Diana Hynek 12/30/2005 Departmental Paperwork Clearance Officer

Office of the Chief Information Officer 14th and Constitution Ave. NW.

Room 6625

Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 10/17/2005.

TITLE: Northwest Federal Fisheries Permits

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0203

EXPIRATION DATE: 07/31/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	2,380	595	49
New	2,464	648	49
Difference	84	53	0
Program Change	e	53	0
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of

Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's

Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503. 1. Agency/Subagency originating request 2. OMB control number b. [] None 3. Type of information collection (*check one*) Type of review requested (check one) Regular submission a. [b. [Emergency - Approval requested by ____ a. [] New Collection Delegated b. [] Revision of a currently approved collection c. [] Extension of a currently approved collection 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? [] Yes [] No d. [] Reinstatement, without change, of a previously approved collection for which approval has expired e. [] Reinstatement, with change, of a previously approved collection for which approval has expired 6. Requested expiration date f. [] Existing collection in use without an OMB control number a. [] Three years from approval date b. [] Other Specify: For b-f, note Item A2 of Supporting Statement instructions 7. Title 8. Agency form number(s) (if applicable) 9. Keywords 10. Abstract 11. Affected public (Mark primary with "P" and all others that apply with "x") 12. Obligation to respond (check one) a. __Individuals or households d. ___Farms
b. __Business or other for-profite. ___Federal Government] Voluntary Business or other for-profite. Federal Government

Not-for-profit institutions f. State, Local or Tribal Government Required to obtain or retain benefits 1 Mandatory 13. Annual recordkeeping and reporting burden 14. Annual reporting and recordkeeping cost burden (in thousands of a. Number of respondents b. Total annual responses a. Total annualized capital/startup costs 1. Percentage of these responses b. Total annual costs (O&M) collected electronically c. Total annualized cost requested c. Total annual hours requested d. Current OMB inventory d. Current OMB inventory e. Difference e. Difference f. Explanation of difference f. Explanation of difference 1. Program change 1. Program change 2. Adjustment 2. Adjustment 16. Frequency of recordkeeping or reporting (check all that apply) 15. Purpose of information collection (Mark primary with "P" and all others that apply with "X") a. [] Recordkeeping b. [] Third party disclosure] Reporting a. ___ Application for benefits Program planning or management 1. [] On occasion 2. [] Weekly Program evaluation f. Research 3. [] Monthly General purpose statistics g. Regulatory or compliance 4. [] Quarterly 5. [] Semi-annually 6. [] Annually 7. [] Biennially 8. [] Other (describe) 18. Agency Contact (person who can best answer questions regarding 17. Statistical methods Does this information collection employ statistical methods the content of this submission) [] Yes [] No Phone:

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19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee Date

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Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)		
Signature	Date	
Signature of NOAA Clearance Officer		
Signature	Date	

SUPPORTING STATEMENT NORTHWEST REGION FEDERAL FISHERIES PERMITS OMB CONTROL NO.: 0648-0203

INTRODUCTION

The domestic groundfish fishery off Washington, Oregon and California is managed by the Secretary of Commerce under the Pacific Coast Groundfish Fishery Management Plan (FMP). The FMP is prepared by the Pacific Fishery Management Council as authorized by the Magnuson-Stevens Fishery Conservation and Management Act and is implemented by regulations at 50 CFR Part 660, Subpart G and the Pacific Coast Groundfish Specifications and Management Measures.

Under these regulations, NOAA Fisheries, Northwest Region (NWR), Sustainable Fisheries Division (SFD), manages a limited entry permit program. At present, there are 405 limited entry permits each with specific vessel size and gear endorsements (trawl, pot/trap, longline) and a subset of these permits (164) have an endorsement that authorizes the harvest of sablefish during the primary season. All limited entry permits must be renewed annually. Permit owners may register only one other vessel to a permit once during a calendar year, but may assign a permit to another eligible owner or holder as many times as necessary during a calendar year.

This statement supports the revision of one existing collection of information for the Pacific Coast Groundfish limited entry permit program and supports three new collections of information required to carry out certain additional provisions of Amendment 14 to the Pacific Coast Groundfish FMP. These information collections involve only those individuals, corporations or partnerships that currently or may in the future own and/or hold a sablefish endorsed permit. The current collection of information, OMB No. 0648-0203, for NWR Federal Fisheries Permits was approved for renewal on July 23, 2003 and these existing forms have an expiration date of July 31, 2006.

More specifically, this statement supports the following: 1) creation of a new form to allow an individual person that owned a sablefish endorsed permit as of November 1, 2000 (control date) an opportunity to add their spouses as a co-owner of a permit(s) for the purpose of exempting the spouse from owner on board requirements; 2) creation of a new form that requires formal business entities that own sablefish endorsed permits to list all individuals who have an ownership interest in the corporation or partnership in order to determine the number of permits owned or held by all individual persons; 3) revision of the existing form for changes in vessel registration, permit owner or permit holder to include a new section that requires certification of the cumulative amount of sablefish landed prior to the transfer of a permit and requests on a voluntary basis the sale and lease price of a limited entry permit; and; 4) creation of a new information collection to determine which vessels qualify for an exemption from a ban on at-sea processing and freezing of sablefish.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Amendment 6 to the Pacific Coast Groundfish FMP implemented the limited entry program and was approved on September 4, 1992. Amendment 6 to the FMP directly addressed the issue of excess fleet capacity in the groundfish fishery by instituting a limited entry permit program to control the overall harvest capacity of three major gear types (trawl, trap/pot, longline). Amendment 9, which was approved on June 27, 1997, added a sablefish endorsement requirement to the limited entry permit, limiting participation in the fixed gear sablefish fishery to specific qualifying vessels.

On August 6, 2001, NOAA Fisheries implemented regulations (66 FR 40918) that revised restrictions on the frequency and timing of limited entry permit transfers and updated and reorganized the permit regulations. Specifically, these regulations provided that a change in vessel registration could occur only once every calendar year. Previously, a change in permit owner, permit holder or vessel registration could occur only once every 12 months. The regulations now allow a permit owner to make changes in permit owner or permit holder (not vessel) as frequently as necessary in a calendar year.

On August 7, 2001, NOAA Fisheries implemented certain provisions of Amendment 14 to the Pacific Coast Groundfish FMP (66 FR 41152) into regulations. Among the provisions implemented under Amendment 14, permit owners are authorized to stack (register) up to three sablefish endorsed West Coast Groundfish Limited Entry permits on a single vessel. The stacking of a sablefish limited entry permit is the act of registering up to three permits to the same vessel. NOAA Fisheries requires permit owners to use the existing permit transfer form to stack sablefish permits (OMB Control Number 0648-0203). Each sablefish endorsed permit has one of three tier assignments (i.e.; Tier 1 permit, the highest tier, authorizes harvest of 64,300 pounds in 2004) that establishes a limit on the maximum amount of sablefish that may be harvested with that permit in any one year. If multiple permits are stacked to a single vessel, the vessel may land up to the cumulative tier amount given for all permits.

Also, a person, partnership or corporation is limited to owning or holding a maximum of three sablefish endorsed permits, unless that person, partnership or corporation owned more than three as of November 1, 2000. A person is defined as an individual person (singular) and a partnership is defined as two or more individual persons, a formal partnership (i.e.; General Partnership (GP), Limited Partnership (LP), legally recognized corporation or any combination thereof. Similarly, no corporation or partnership can own a sablefish endorsed permit unless they owned a sablefish endorsed permit as of the control date, November 1, 2000. The regulations published previously only partially implemented Amendment 14.

In 2005, NOAA Fisheries expects to publish proposed regulations to further implement provisions stipulated in Amendment 14. These proposed regulations are attached. Again, these regulations pertain only to owners of sablefish endorsed permits. Specifically, the proposed regulations would: 1) for purposes of exemption from the owner on board provision, allow an individual permit owner as of the control date to add a spouse as co-owner of the permit(s); 2)

require business entities that own or hold a sablefish permit to disclose the names of all individuals who have an ownership interest in the corporation or partnership; 3) require permit owners who did not own a sablefish endorsed permit as of November 1, 2000 to be on board the vessel during fishing operations; 4) require permit owners to certify the cumulative amount of sablefish landings incurred on a permit prior to it being transferred during a primary sablefish season; and 5) prohibit a vessel from freezing and processing sablefish at-sea unless the vessel owner can demonstrate having met minimum landing requirements for at-sea frozen sablefish during recent qualifying years. A more detailed discussion of each of the information collections is provided below.

Addition of a Not-listed Spouse as Permit Co-owner: Under the proposed regulations, an owner of a sablefish permit would be required to be on board his/her vessel during fishing operations unless the individual or entity owned a permit on or prior to November 1, 2000. The sablefish tier system and permit stacking program have made the sablefish fishery essentially an individual fishing quota program. The owner on board provision is intended to limit ownership of sablefish permits to resident fishers, thus preserving the current small business, owner-operator nature of the fishery. There is a concern that speculative investors might purchase these permits in order to rent out the privilege to create a "share cropping" relationship with vessel operators. Similarly, fishing representatives are concerned that if processors or non-fishing entities own a disproportionate number of permits, the ability of fishers to negotiate a fair price for sablefish will be undermined. As exempted permit owners die or retire, it is anticipated that all permits will be transferred to a new generation of permit owners who will be required to be on board the vessel during fishing operations.

A number of current permit owners list themselves as the sole owner of the permit even though they may have been married as of the control date. The proposed regulations would provide that if only one spouse was listed as permit owner as of November 1, 2000, the unlisted spouse would not be exempt from the owner-on-board requirement. Permit owners could not have foreseen the implications of not listing their spouse on the permit prior to the control date. As such, the Agency would allow these permit owners an opportunity to include their spouse as co-owner of the permit and obtain the exemption privilege for the spouse. The proposed regulations would provide a voluntary, one-time opportunity for an exempted permit owner to add the not listed spouse as an exempted permit co-owner, as long as they were married as of November 1, 2000.

The proposed regulations also provide that if an individual who owned a permit as of the control date is injured or has a prolonged illness he/she may request an exemption from the owner on board requirement. Such requests would need to be accompanied by a letter from a medical practitioner detailing the medical conditions that prevent the individual from being on board the vessel during fishing operations. The request, if approved, would be valid during the year requested. A permit owner may obtain an exemption due to injury/illness for up to three years, consecutive or in total. Similarly, if an exempted permit owner dies, an unlisted spouse would be provided a three year period in which he/she would not be required to be on board during fishing operations. After that period, the surviving spouse must either be on board and fish the permit or sell the permit to an individual or other eligible permit owner.

If the spouse is added as a co-owner to a permit, the spouse would be counted as owning one

permit. The spouse would be subject to the ownership/holder limits (no more than 3 permits unless the individual owned more than 3 permits as of the control date) established in August 2001. SFD would determine the number of permits owned by an individual based on the name of the owner given on the permit and as described below, from ownership interest listings provided by business entities. Further, SFD would be required to determine which individuals are exempt from the owner on board provisions. If the permit owner elects to list the spouse at this time, the spouse will be counted as owning a permit and the spouse would be exempt from the owner on board requirement. If the permit owner does not add his/her spouse at this time, and the permit is subsequently conveyed to the spouse, the not listed spouse would be required to be on board the vessel.

Ownership Interest: Amendment 14 to the Pacific Coast Groundfish FMP includes several ownership provisions that pertain only to sablefish endorsed limited entry permits. The current regulations provide that: 1) no partnership or corporation may own any sablefish endorsed permit unless they owned them as of November 1, 2000. Any sablefish endorsed permit sold after November 1, 2000 may only be transferred to an individual person or to a corporation or partnership that had ownership interest in a sablefish endorsed permit as of November 1, 2000; 2) no person, partnership, or corporation may have ownership interest in or otherwise hold more than three sablefish endorsed permits as of November 1, 2000. If a person, partnership or corporation had an ownership interest in more than three permits as of November 1, 2000, it may continue to have ownership interest in those same permits, but may not acquire additional permits either through purchase or lease; 3) a partnership or corporation will lose the exemptions given in 1) and 2) above on the effective date of any change in the corporation or partnership membership as of November 1, 2000. The term "change" refers to the addition of a partner or shareholder to the corporation or partnership.

The proposed regulations would add another ownership related limitation that: persons who did not own a sablefish endorsed permit as of November 1, 2000 and who purchased a sablefish endorsed permit after November 1, 2000 would be required to be on board the vessel when their permit is being fished during the primary sablefish season (owner on board requirement).

In particular, many in the industry and the public have concerns that no one individual should own or hold more than three permits, unless they owned more than three permits as of the control date. The Council designed the permit stacking program such that access to this public resource should not be concentrated in the hands of a few individuals or entities. As discussed above, the sablefish fishery, with its tier system and provisions allowing vessel owners to stack up to three permits on a single vessel has transformed the sablefish fishery essentially into an individual fishing quota program.

Since August 2001, SFD has monitored the number of sablefish permits owned or held by those business entities named on the permit. Given that the ownership limitation extends to an individual person, it requires that the agency know which individuals have ownership interests in corporations and partnerships. However, the Agency is not currently authorized to collect information detailing individuals who have an ownership interest in a specific business entity. This limits the ability of the Agency to implement its regulations because we cannot determine how many sablefish permits a particular individual owned as of November 1, 2000, and how

many they now own if they are part of a partnership or corporation. The Agency has received comments from the public that certain individuals may have acquired additional permits since November 1, 2000 beyond those they owned as part of a corporation or partnership and thus, may have exceeded the number of permits they are allowed to own or hold as individuals under federal regulations.

To implement these permit ownership provisions, SFD would need to identify all individuals who have an ownership interest in corporations and partnerships that own sablefish endorsed permits as of the control date, that own and/or hold a permit as of a current date (upon implementation of final rule), that own and/or hold as part of a permit transfer request involving a business entity and thereafter, on an annual basis. Further, SFD would be required to track on an ongoing basis whether a corporation or partnership has added a shareholder or partner since November 1, 2000 and track the current number of permits any individual, partnership or corporation owns or holds at any point in time. This information would enable NOAA Fisheries to determine which individuals, corporations and partnerships comply with the established limits on owning and holding sablefish permits (limit of 3 permits unless the person or entity owned more than 3 as of the control date) and whether a grandfathered partnership or corporation has forfeited their exemption (because it added a partner or shareholder) from the owner on board requirement.

Mid-Season Transfer of a Sablefish Endorsed Permit: Each sablefish permit has a tier assignment (1, 2 or 3) that authorizes the vessel registered to it to harvest a maximum amount of sablefish during the primary season. A permit holder may register as many as three permits to their vessel during the primary season and may catch up to the combined tier amounts given on each permit. The current regulations allow permit owners the flexibility to transfer a permit during the middle of the primary sablefish season. At the time of transfer, the remaining harvest amount associated with a particular permit may vary.

Sablefish landings are recorded on landing tickets provided by each of the West Coast states and the data is entered into a common database known as PacFIN. There can be a lag time of up to 2 months from the time a landing ticket is completed dockside to the time the data is available in PacFIN. PacFIN catch records for individual vessels are confidential and they are not accessible by the general public. As such, potential buyers or lessees of sablefish permits do not have an independent source of information detailing the exact amount of catch that has occurred on a specific permit during the primary season.

The current regulations require that any person landing groundfish (permit owner and/or permit holder) keep a copy of all landing tickets accruing to the vessel during fishing operations to substantiate the catch to date for a particular permit. The proposed regulations would require the transferor to certify on a transfer form the cumulative amount of sablefish landed on a subject permit during the primary sablefish fishing season if there is a change of vessel registration, permit owner or permit holder. Similarly, the transferee would be required to acknowledge the cumulative amount of sablefish landings stipulated on the form by the transferor.

This certification is proposed to assist enforcement agents in effectively monitoring catch limitations on a given permit and to establish a common understanding of the cumulative landed

amount on the permit at the time of transfer, so that the transferee does not fish in excess of the remaining tier amount. Also, the mid-season transfer certification by the permit owner is intended to inhibit a transferor from misrepresenting the amount of catch remaining on a permit. Enforcement agents may conduct a post season audit of landing records to determine if a particular permit was overfished during the season. If it is found that a particular permit was overfished, this declaration will be critical in determining who is culpable for having committed a fishing violation.

Presently, only California requires the groundfish permit number to be listed on the fish tickets recording a sablefish landing. For effective enforcement of mid-season transfers to occur, all three states need to include the federal groundfish permit number on the fish ticket and that information needs to entered into the PacFIN database. If the states do not require that permit numbers on fish tickets and that data is not entered into PacFIN database, NMFS may elect not to implement mid-season transfers because this provision is unenforceable.

In accordance with the proposed regulations, SFD would request a voluntary reporting of the sale or lease price of permits in an attempt to understand the market value of limited entry permits. At present, SFD does not collect permit sale/lease price data. This data would help NOAA Fisheries staff understand the relative value of permits, economic trends in the groundfish fishery and appropriate levels of compensation under a buyback program.

Sablefish At-Sea Processing Exemption: Sablefish caught off the West Coast are often processed and frozen at sea for export to the Japanese market, but the manner of processing can vary along the coast. Some fishers who operate far from shore may head and gut the sablefish at sea in order to preserve the quality. Traditionally, the sablefish fishery has been a short season with all processing conducted shoreside. More recently, the sablefish fishery now extends over a number of months and the opportunity exists for fishers to process their product at-sea. Sablefish is one of the most valuable species in the groundfish complex (valued at \$10-11 million in 2000) and is an important component of the species mix that sustains the shoreside processors. In an attempt to sustain fishing communities, the Council has endorsed management regulations that provide for a steady flow of fish to the shoreside plants.

To ensure that shoreside processing plants would continue to have access to sablefish landed from the primary fishery, the Council included a provision in Amendment 14 that would prohibit vessels from processing sablefish at-sea. Although most West Coast sablefish vessel owners have not processed their catch at-sea, there may be a few vessels that have a history of processing at-sea. The proposed regulation would allow those vessel owners who can demonstrate a history of processing frozen at-sea sablefish to continue such operations. The qualifying criteria specify that a vessel must have processed at least 2,000 pounds (round weight) of frozen at-sea sablefish in any one year of 1998, 1999, or 2000. The processed sablefish must have been harvested in the Exclusive Economic Zone and taken during the primary sablefish season.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information what will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of the Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

All of the new information collections provided for in this supporting statement will require the permit owner or holder (if different), to provide a Tax Identification Number or Social Security Number. The persons, business entities and the individuals who have an ownership interest in these business entities own a Federal government permit that provides a conditional privilege to fish for groundfish in the Exclusive Economic Zone. The Debt Collection Improvement Act requires that applicant or recipient of a Federal permit to provide their Tax Identification Number or Social Security Number. Specifically, 31 U.S.C. 7701(c)(1) provides that: "the head of each Federal agency shall require each person doing business with that agency to furnish that agency such person's taxpayer identification number. Further, at 31 U.S.C. 7701 (c)(2)(B): "For purposes of the subsection, a person shall be considered doing business with a Federal agency if the person is an applicant for, or recipient of, a Federal license, permit, right of way, grant or benefit payment administered by the agency...." The Social Security Number and Tax Identification Number will be safeguarded and will not be released to the public.

Addition of a Not-listed Spouse as Permit Co-owner: SFD would mail a cover letter and form to those permit owners who list only one person as the owner and where the owner has continued to own a sablefish endorsed permit since November 1, 2000. Applicants would be provided at least a 60 day period to submit an application to add or confirm a spouse as a co-owner of a permit owned since November 1, 2000. Applications received after the deadline date would not be accepted by SFD. SFD would afford the opportunity to add a spouse as a co-owner on a voluntary, one-time only basis. Members of business partnerships (i.e.; given as a Limited Partnership or General Partnership) and corporations on permits would not be allowed to add their spouses as a co-owner of those entities. Further, permits owned by two individuals that are not married or permit co-owners that include an individual in addition to a married couple would be considered a business partnership and not allowed to add a spouse as a co-owner.

Currently, there are about 70 sablefish endorsed permits that have one person listed as the permit owner. Our best estimate is about 35 permit owners would respond to the voluntary information collection. Those permit owners requested to respond would be an individual person who was married to their spouse as of the control date and now wants to list their spouse as a co-owner retroactively to the control date. Some currently listed permit owners may not be married or

were not married to their spouse prior to November 1, 2000. Other owners who were married to their current spouse as of the control date may elect to keep themselves as the sole permit owner for liability, tax reasons or maximize their permit count within their family (i.e.; husband could own 3 permits and the wife could own 3 permits).

SFD would request that the applicant provide the following information: permit number, current permit owner and spouse first, last, and full middle name, and Social Security Number (mandatory). The permit owner would be required to submit their existing permit and the form by the deadline date. The current permit owner would sign, date and have the form notarized to authenticate the request. Also, the current permit owner would be required to give the date of the marriage, the state in which they were married and a copy of the marriage certificate.

SFD would allow the exempted permit owner (individual person) to add their spouse to all permits if they were married as of November 1, 2000. After review and approval of the application, SFD would reissue the permit in the names of both spouses. SFD would use this information to update the list of permit owners and the permit counts associated with these individuals. Additionally, SFD would revise the list of permit owners entitled to grandfather privileges (i.e.; exempt from owner on board requirements). Spouses listed as co-owner would be subject to permit ownership/holder limits. Information collected to prove that the individuals were married as of the control date will not be made available to the public.

Ownership Interest: SFD would initially send two ownership interest forms to the addressees on the approximately 50 permits [this number represents actual business entities denoted as corporation, general partnership, limited partnership, etc.] that are owned or held (if different than owner entity) by a legally recognized corporation or partnership. The ownership interest form would document all individuals with an ownership interest in a business entity owning a permit as of the control date, November 1, 2000, and as of the current date. Also, a business entity which owns the vessel registered to a sablefish permit (i.e., holds the permit but does not own a sablefish endorsed permit) would be required to provide a complete list of all individuals who have an ownership interest in the corporation or partnership. The respondent would list those individuals with an ownership interest in the business entity as the control date on a one time basis. After this initial mailing of the form, business entities would complete the form on annual basis as part of the permit renewal process and any time a request for transfer of a sablefish endorsed permit involves a business entity, either as an owner or holder.

The respondents would be required to provide basic identifier information such as: permit number, vessel name and registration number, entity name, individual shareholder or partner's name (first, last, full middle name), Tax Identification Number for the corporation or partnership that owns the permit; the Social Security Number (mandatory) for every person who has an ownership interest in the business entity, and each individual's address, phone and fax. In addition, an authorized individual representing the corporation/partnership would certify (by signing/dating the form) that no additional individual with ownership interest had been added since the control date. The applicant would be required to provide a corporate resolution that is formally incorporated or is given as general partnership, limited partnership that authorizes the person signing the form to do so on behalf of the business entity. SFD may require a copy of the USCG Abstract of Title as proof of ownership for permit holders and/or owners and may require

articles of incorporation or other documentation deemed necessary for proof of corporate or partnership ownership.

Those completing the initial two forms would be provided at least 60 days to submit completed applications. If an applicant fails to respond by the deadline date, a written notice would be sent to the permit owner with a revised deadline date. Failure to respond to the second notice would result in SFD withdrawing the current permit and reissuing a permit with a registration given as "unidentified." Permits that have a vessel registration of "unidentified" cannot be fished. At the point a completed form is provided to SFD, staff would reissue the permit to the previously registered vessel.

SFD would compare the lists of individuals with ownership interest as of the control date to the list of owners as of a current date and as of the date of a transfer request to determine if an additional individual(s) with ownership interest had been added to the business entity. If a change is found in the form from the exempted business entity, that entity would lose its exempted status and be required to divest the permit to an individual owner or other eligible entity. Also, SFD staff would establish a permit count for every individual who owns a sablefish endorsed as an individual or as part of a business entity to ensure limits on permit owner/holder are not exceeded.

After the initial mailing of the form, future forms would be included in the annual permit renewal packages for those business entities that continue to own a sablefish endorsed permit in the current year and would be required of business entities that are involved in the transfer of any permit. SFD would provide the permit owning entity the most recent list of shareholders/partners based on the prior year's submission. The respondent would be asked to add or delete individuals as appropriate, and/or update address information for individuals. Submission of the ownership interest form would be mandatory and SFD would not renew a permit until such time as a completed form is received. Similarly, any request to transfer a sablefish endorsed permit involving a corporation or partnership would require the business entity to provide a current list of individuals with an ownership interest.

SFD staff would review the annual ownership forms and forms provided with permit transfer requests for changes in sablefish endorsed permit owners and holders to ensure that no individual or corporation/partnership exceeds the number of sablefish endorsed permits allowed by regulation (3 permits, unless the person/entity owned more than 3 on the control date). The annual ownership lists would be compared with the list submitted for the control date to determine if an additional individual had been added to the corporation/partnership. The addition of a new member would result in the corporation/partnership being required to permanently divest all permit(s) to an individual or other eligible entity and loss of their exemption form the owner-on-board requirement.

<u>Mid Season Transfer of Sablefish Endorsed Permit</u>: Once the proposed regulations are implemented, NOAA Fisheries would add a new section to the existing permit transfer form, also known as "Change of Vessel Registration, Permit Owner/Holder Application" (i.e.; transfer form). All permit owners are currently required to use this form to request these changes to their permit. This transfer form was recently renewed by OMB and is valid through July 31, 2006. A

sablefish permit owner may request a change in permit owner or permit holder (but not vessel) as many times as necessary during a calendar year. Conversely, a permit owner may change the vessel registered to the permit only once in the calendar year. The number of transfers requested by sablefish endorsed permit owners varies year to year, however the average is about 25 transfer requests per year.

The new section to the existing transfer form would require the permit owner to provide the cumulative amount of pounds of sablefish harvested on the permit during the current primary sablefish season. The permit owner (transferor) would certify that the cumulative landing amount is correct by signing and dating the form. Similarly, the individual either buying the permit or seeking to hold the permit, if different from owner (transferee), would be required to sign an acknowledgment of the cumulative amount of sablefish landed given in this section. SFD would disapprove any transfer request if there is a failure to provide the landings data and certifications. Further, SFD would request on a voluntary basis the permit sale price or lease price and term of the lease.

NOAA Fisheries would require this information primarily for enforcement purposes and to conduct economic analyses. Currently, not all states record the permit number on fish landing tickets, which complicates the accounting of landings taken on a given permit. Further, the landing data for an individual boat or person is confidential and not available to the public and others. The potential exists for a permit owner to misrepresent how much catch remains on a particular permit when selling or leasing a permit. The current regulations require that copies of all landing tickets associated with the permit during the primary season be on board the vessel while fishing.

Listing the landed amount on the transfer form would serve as a cross check against the landing tickets. Moreover, the certifications would hold the transferor and transferee accountable for the exact amount of catch to date on the permit and the transferee would understand how much sablefish was available for the remainder of the season to be harvested with the permit. Enforcement agents may audit the landings of sablefish during the season or at the end of the season to determine if there were catches in excess of the tier limit. This certification would help enforcement agents to verify how much catch can be attributed to a particular permit and individual at a given point in time. The certified landing amount listed in this new section of the transfer form would not be made available to the public.

The sale and lease price data would be useful to NOAA Fisheries staff in determining economic trends in the groundfish fishery. Sale and lease data for individual permit transactions would not be released to the public; however, summary data may be made available.

<u>Sablefish At-Sea Processing Exemption</u>: SFD would prepare an application for the purpose of determining which vessels are qualified for an exemption from the ban on at-sea processing. SFD would mail applications to all sablefish endorsed permit owners. Applicants would complete a form providing vessel owner name, address, vessel name and registration number, permit number and an indication of how much sablefish was processed at-sea during any one of the qualifying years. Applicants would be required to provide evidence to support the number of pounds of sablefish processed at-sea as indicated on the form. Best evidence supporting the

landings of processed sablefish would be state fish tickets for sablefish accompanied by sales receipts for frozen sablefish.

At a minimum, a 60 day period would be provided to permit and vessel owners to submit the application. NOAA Fisheries would not consider applications received after the deadline date. The opportunity to obtain the vessel exemption would be provided on a one-time basis. SFD anticipates that very few applicants will be eligible for this exemption and as such, a negligible administrative effort required of Agency staff. SFD would not charge an application fee.

SFD staff would review the qualifying information provided in the application and make a determination as to which vessels are eligible for an exemption. This includes supplementary evidence (i.e.; landing tickets) to make the initial determination of denying or approving the exemption. Within 30 days of receipt of a completed application, SFD would notify the applicant by letter whether their vessel qualified for the exemption. This information would substantiate the decision of the Agency.

NOAA Fisheries would publish in the <u>Federal Register</u> a list of vessels that qualify for the exemption from the ban on processing and freezing sablefish at sea. The exemption would be assigned to the vessel and it would not be an endorsement reflected on the permit. A document certifying the vessel exemption would be issued to the vessel owner to be kept on board. The exemption would not be transferable and would expire upon transfer of the vessel to a new owner. Based on discussions with industry representatives and current permit owners, it is estimated that approximately 6 vessel owners would apply for this exemption.

If the Agency's initial decision rejects an applicant, applicants may appeal and provide additional evidence to demonstrate they meet the requirement. Those vessel owners may submit an appeal within 30 days from the date of the initial determination letter. The appeal must be in writing and allege facts or circumstances, and include credible evidence demonstrating why the vessel qualifies for the exemption. The Regional Administrator would issue a written decision within 30 days of receipt of the appeal. If an applicant is denied the exemption after the appeal, he/she may elect to sue the Agency to obtain the exemption. The application and documentation provided by the applicant would support the Agency's position in the appeal process and in any court proceedings. The information detailing the amount of frozen product to qualify for the exemption would not be made available to the public.

3. <u>Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.</u>

The current permit transfer form is available in a fillable format on the SFD web site at: www.nwr.noaa.gov/1sustfsh/permits/prmits01.htm. The revised permit transfer for "Change of permit owner, permit holder and/or vessel registration application" and the three new forms (ownership interest, sablefish at-sea processing exemption, addition of the not listed spouse) would all be made available for download in fillable format from the SFD web page. The applicant would be required to mail in a hard copy application. Since the addition of a not listed

spouse and the at-sea processing exemption forms require other documents supporting certain elements of their application, and because the number of applicants is very few, we do not anticipate using an online application.

In 2001, SFD successfully implemented a web based permit renewal system, which allows permit owners to renew and pay for their permits electronically. Although the number of permit owners using the electronic renewal and payment system has been limited, we believe that as internet access becomes more widespread in remote, rural locations, we expect there will be a steady increase in the number of online permit renewals into the future. The proposed ownership interest form would most likely be included as part of the annual online renewal.

Changes in permit owner, holder and vessel registration all involve a signed and dated self certification and a notary signature and stamp to authenticate the individual signing the form. Further, all of these requests require that the individual return their current permit before we reissue a revised permit. Other documentation may be required depending on the nature of the action. The Agency would like to make available a web based form to make permit changes, however, there are unresolved legal issues associated with the authentication of a online submission. We would explore how the Agency might accept electronic applications, but it appears that even if such changes could be made, applicants may have to submit certain documents in a hard copy format.

4. Describe efforts to identify duplication.

The information collections described here are unique to the West Coast Groundfish limited entry program. There are no other programs that involve this unique set of permit owners and collect similar information.

5. <u>If the collection of information involves small businesses or other small entities, describe</u> the methods used to minimize burden.

The majority of permit owners are either an individual (single person), or partnerships of two or more persons or small business entities. Only a minimum amount of data is requested to carry out the program objectives and regulations.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the Agency does not collect data on ownership interests, it would not be able to account for the number of sablefish endorsed permits owned by each individual, thereby failing to implement its own regulations. Individuals that have ownership interests in corporations and partnerships are subject to limits on the total number of permits one can own or hold in an attempt to prevent a small number of individuals controlling a disproportionate share of the fishery. If such collections were done less frequently than annually and upon requests for transfer, the Agency could not effectively monitor changes in corporate/partnership membership or accurately monitor the number of permits owned by an individual.

For the mid-season transfer, if the Agency does not require the existing permit owner and new permit owner or holder to certify the amount of sablefish landed to date on the permit, there is potential to overfish the tier limit on the permit. This would create difficulties for enforcement agents in determining who is accountable for a possible fishing violation. If multiple vessels were able to overfish their tier limits, the cumulative overages could jeopardize the health of the sablefish stock.

If the Agency does not collect information on sablefish freezer longliners, the Agency would be unable to determine which vessels have traditionally processed sablefish at levels that qualify them for an exemption from a ban on at-sea processing. This situation would penalize those owners that have traditionally conducted such at-sea processing activities, made investments in freezing equipment, developed markets for their product and wish to continue to produce value added products. This is a one-time information collection.

If the Agency does not collect information to add spouse as a co-owner of a sablefish endorsed permit, the currently unlisted spouse would not eligible for certain privileges associated with permits owned since November 1, 2000. This is a one-time information collection.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

None.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A proposed rule, RIN 0648-AP38 will be published in the Federal Register for public comment in late September, 2005. NOAA Fisheries has consulted with industry regarding the ownership interest form and sablefish at-sea processing exemption form and received some minor editorial comments. Some of the industry proponents of the ownership interest provisions urged the SFD to model its efforts on the Alaska Region's ITQ program. The SFD has used applicable parts of the AKR ownership interest form. In addition, the proposed regulations associated with this PRA collection were developed in consultation with the Pacific Fishery Management Council which includes representatives of the industry, states, Tribes, and U.S. Coast Guard. The meetings are held in a public format. Also, the proposed regulations will solicit public comment on the ownership interest, mid-season transfer of sablefish endorsed permits, addition of a not-listed spouse as co-owner and at-sea processing vessel exemption information collections.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Most of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. These procedures have been implemented under NOAA Fisheries Operations Manual entitled: "Data Security Handbook for Northwest-Alaska Region, National Marine Fisheries Service". However, information given on a limited entry permit is not confidential. The Social Security Number/Tax Identification Number is confidential and protected under the Privacy Act. Phone number, fax and email information is not released to the public. Ownership interest information, sablefish landing data, individual groundfish permit sale or lease data, Social Security Number and Tax Identification Number would not be released to the public.

A system of records pertaining to 0648-0203 has been under review at DOC Office of the General Counsel since March, 2005: Commerce/NOAA System-NOAA-18; Permits and Registrations for Fisheries in the Exclusive Economic Zone (EEZ) off Washington, Oregon, and California and permits and registrations for vessels fishing on the high seas outside of the EEZ. The current draft is attached.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Applicants will not be asked questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

Existing Form No. of Respondents/Yr Ave. Response Time Total hrs/ yr.

Permit Transfer Form (revised) 25

0.50 hr/response*

12.5 hours

[Annual Collection]

Using an estimate from the U.S. Census Bureau's Non-employer Statistics, 2001, as a proxy for annual income from sablefish fishing of \$35,416 and breaking that into an hourly wage of \$17.02, the burden for this collection would cost approximately \$8.51 per respondent for the respondent's time, or \$212.75 total.

New Forms

Ownership Interest Form 70 [Annual Collection and as part of transfers]

0.50 hr/response

35 hours

Using an estimate from the U.S. Census Bureau's Non-employer Statistics, 2001, as a proxy for annual income from sablefish fishing of \$35,416 and breaking that into an hourly wage of \$17.02, the burden for this collection would cost approximately \$8.51 per respondent for the respondent's time, or \$595.70 total.

At-Sea Processing Vessel Form 2 0.50 hr/response 1.0 hour [One time collection/# of responses averaged over 3 years]

Using an estimate from the U.S. Census Bureau's Non-employer Statistics, 2001, as a proxy for annual income from sablefish fishing of \$35,416 and breaking that into an hourly wage of \$17.02, the burden for this collection would cost approximately \$8.51 per respondent for the respondent's time, or \$17.02 total.

Addition of Spouse as Owner 12 0.33 hr/response 4.0 hours [One time collection/# of responses averaged over 3 years]
Using an estimate from the U.S. Census Bureau's Non-employer Statistics, 2001, as a proxy for annual income from sablefish fishing of \$35,416 and breaking that into an hourly wage of \$17.02, the burden for this collection would cost approximately \$5.62 per respondent for the

The respondent numbers are already included in the information collection, and will remain at 707. Responses will increase by 84 (new forms only) to 2464. Hours will increase by 53 to 648.

13. <u>Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection (excluding the value of the burden hours in #12 above).</u>

There is no additional cost to the respondent due to the revisions to the permit transfer form. For the other three new forms, there is no capital or start up cost components. Operations and maintenance costs (copying, fax, mailing, and notary) to the respondents are estimated to be less than \$250 for all respondents on an annual basis. No fees will be charged to the respondents for any of the above information collections. Adding \$250 to the existing collection costs of \$48,813 will increase the costs to \$49,063.

14. Provide estimates of annualized cost to the Federal government.

respondent's time, or \$68.08 total.

The annualized cost to the Federal government to process the revised permit owner/holder/vessel registration form (mid season transfer certification), addition of a spouse as a co-owner on a permit form, sablefish at-sea processing exemption request form is negligible. The annualized costs of the ownership interest and owner-on-board data collection and monitoring are unknown at this time. However, NOAA Fisheries anticipates implementing a cost recovery fee for these permits in the future and these costs will be determined at that time.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Proposed regulations further implementing provisions of Amendment 14 will require information

collections to determine ownership interests of corporations/partnerships that own sablefish permits, to determine unlisted spouses wishing to be listed as co-owner of sablefish permits as of a prior date, and determine eligibility of sablefish freezer longliner vessels to obtain an exemption from the ban on at-sea processing. This requires an additional 84 responses and 53 hours.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans to tabulate and publish the data. However, in the case of the sablefish at-sea processing vessel exemption, the information collected will be used to determine which vessels qualify for the exemption. The list of qualifying vessels and vessel owners will be published in the <u>Federal Register</u>. The marriage declaration information collection will be used to add the name of a spouse as co-owner of a permit. The names of all permit owners and holders are routinely made available on our web site. Sale or lease price information of individual transactions and mid season landing information is considered confidential. We may provide a summary of sale and lease price data upon request to agency economists, Fishery Management Council staff, and academics. Such summaries will not reveal actual sale or lease costs for an individual transaction.

17. <u>If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.</u>

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The revised and new collections of information described above will not employ statistical methods.

IDENTIFICATION OF OWNERSHIP INTEREST

WEST COAST GROUNDFISH LIMITED ENTRY PERMIT UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration National Marine Fisheries Service, Northwest Region Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1 Seattle, Washington 98115-0070

Phone: (206) 526-4353 Fax: (206) 526-4461 www.nwr.noaa.gov



INSTRUCTIONS

IMPORTANT! This application must be received by NOAA Fisheries at the above address no later than **November 30**. Your Limited Entry Permit(s) will not be renewed for next year until such time that this form and your renewal form are both received by NOAA Fisheries.

This application must be submitted by legally recognized corporations, partnerships and other business entities who own or hold a sablefish-endorsed West Coast Groundfish Limited Entry Permit. Please type or print legibly in ink. Attach additional sheets as necessary. Sign in ink, have your signature notarized, keep a copy for your records and mail the completed form to the address listed above.

The purpose of this form is to provide NOAA Fisheries with information to determine the number of sablefish endorsed permits owned or held by an individual and to determine if any change in ownership has occurred to corporations and partnerships since the control date. **Note**: A "partnership" is defined as two or more individuals, partnerships, or corporations, or combinations thereof, who have ownership interest in a permit, including married couples and legally recognized partnerships, such as limited partnerships (LP), general partnerships (GP), and limited liability partnerships (LLP). A "permit holder" is defined as a vessel owner as identified on the United States Coast Guard form 1270 (Certificate of Documentation) or state vessel registration document. Therefore, partnerships or corporations that hold a limited entry permit are those partnerships or corporations that own a vessel participating in the West Coast groundfish fishery.

SECTION A - PERMIT OWNER/HOLDER IDENTIFICATION:

- <u>Permit Number/Vessel Name/Vessel Registration Number</u>: List the permit number, the name of the vessel registered to the permit and the U.S. Coast Guard documentation or state vessel registration number.
- Name/TIN: Enter the name of the business entity that owns or holds the permit and its tax identification number (TIN).
- <u>Business Mailing Address</u>: Enter the business mailing address, including street or PO Box number, state, and zip code, where the item(s) should be sent.
- <u>Business Phone, Fax and Email</u>: List the business telephone and fax numbers including the area codes; the fax number and email are optional.

SECTION B - IDENTIFICATIONS OF SHAREHOLDERS AND PARTNERS: List each shareholder or partner name (Last, First, Middle Initial). The Social Security Number (SSN) is required for each individual. If the shareholder/partner is a corporation/partnership, list the individual names of all shareholders/partners of that entity. List each individual's business mailing address. Note the Privacy Act Statement at the end of the application. NOAA Fisheries may request further documentation as proof of corporate or partnership ownership.

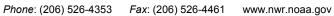
SECTION C - CERTIFICATION OF APPLICANT AND NOTARY: The authorized agent must sign and date the application in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the application, the authorized agent certifies that all information set forth in the application is true, correct, and complete to the best of the applicant's knowledge and belief. The application will not be considered without the authorized agent's signature. **Note**: The authorized agent must include a copy of the corporate resolution or other authorizing document allowing the authorized agent to sign and certify on behalf of the corporation or partnership. The notary must sign and date this section, and affix notary stamp or seal.

IDENTIFICATION OF OWNERSHIP INTEREST

WEST COAST GROUNDFISH LIMITED ENTRY PERMIT

UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration National Marine Fisheries Service, Northwest Region Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1 Seattle, Washington 98115-0070



SECTIO	N A - PERMIT OWNER/HOL	DER IDEN	TIFICATION	
Permit Number GF	Vessel Name		USCG Doc or State Registration Number	
Business Entity Name			TIN	
Business Mailing Address			Business Phone	
Street or PO Box			()	
			Business Fax (optional)	
City	State	Zip Code	Business Email (optional)	
SECTION B - IDENTIFICATION OF SHAREHOLDERS AND PARTNERS NOTE: If ownership or holdings of a permit consists of separate/additional corporations or partnerships, the individual owners or holders of those entities must also be listed. If necessary, attach an additional sheet of paper with the information required below.				
1	SSN BUSINESS MAILING ADDRESS (Street or PO Box, City, State, Zip Code)			
NAME (Last, First, Middle Initial)	SSN	(Str		
	SSN	(Str		

SECTION C - CERTIFICATION OF APPLICANT AND NOTARY This section must be completed by a notary to certify that the individual(s) have satisfactorily identified themselves. Under penalties of perjury, I hereby declare that I, the undersigned, completed this application, and the information contained herein is true, correct, and complete to the best of my knowledge and belief. Signature of Authorized Representative Date Printed Name of Authorized Representative (NOTE: attach authorization) Notary Public Signature Affix Notary Stamp or Seal Here Date Commission Expires

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

PRIVACY ACT STATEMENT: Your Social Security Number (SSN) is confidential and is protected under the Privacy Act. Disclosure of your SSN is mandatory. The primary purpose for requiring the SSN and TIN is to verify the identity of individuals/entities doing business with the government as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115.

IDENTIFICATION OF OWNERSHIP INTEREST

WEST COAST GROUNDFISH LIMITED ENTRY PERMIT UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration National Marine Fisheries Service, Northwest Region Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1 Seattle, Washington 98115-0070

Phone: (206) 526-4353 Fax: (206) 526-4461 www.nwr.noaa.gov



INSTRUCTIONS

IMPORTANT! This application must be received by NOAA Fisheries at the above address no later than **July 1, 2006**. Failure to provide this form may result in NOAA Fisheries voiding your existing permit(s).

This application must be submitted by legally recognized corporations, partnerships and other business entities who own or hold a sablefish-endorsed West Coast Groundfish Limited Entry Permit. Please type or print legibly in ink. Attach additional sheets as necessary. Sign in ink, have your signature notarized, keep a copy for your records and mail the completed form to the address listed above.

The purpose of this form is to provide NOAA Fisheries with information to determine the number of sablefish endorsed permits owned by individuals as of the control date, the number of permits presently owned or held by individuals, and to determine if any changes in ownership have occurred to corporations and partnerships since the control date. **Note**: A "partnership" is defined as two or more individuals, partnerships, or corporations, or combinations thereof, who have ownership interest in a permit, including married couples and legally recognized partnerships, such as limited partnerships (LP), general partnerships (GP), and limited liability partnerships (LLP). A "permit holder" is defined as a vessel owner as identified on the United States Coast Guard form 1270 (Certificate of Documentation) or state vessel registration document. Therefore, partnerships or corporations that hold a limited entry permit are those partnerships or corporations that own a vessel participating in the West Coast groundfish fishery.

SECTION A - PERMIT OWNER/HOLDER IDENTIFICATION:

- <u>Permit Number/Vessel Name/Vessel Registration Number</u>: List the permit number, the name of the vessel registered to the permit and the U.S. Coast Guard documentation or state vessel registration number.
- Name/TIN: Enter the name of the business entity that owns or holds the permit and its tax identification number (TIN).
- Business Mailing Address: Enter the business mailing address, including street or PO Box number, state, and zip code, where the item(s) should be sent.
- <u>Business Phone</u>, Fax and <u>Email</u>: List the business telephone and fax numbers including the area codes; the fax number and email are optional.

SECTION B - IDENTIFICATION OF INITIAL SHAREHOLDERS AND PARTNERS ON 11/1/00: List each shareholder or partner name (Last, First, Middle Initial) for partnerships or corporations that **owned** a limited entry permit as of 11/1/00 (Partnerships or corporations that held, but did not own, this permit as of 11/1/00 DO NOT need to fill out this section). The Social Security Number (SSN) is required for each individual. If the shareholder/partner is a corporation/partnership, list the individual names of all shareholders/partners of that entity. List each individual's business mailing address. Note the Privacy Act Statement at the end of the application. NOAA Fisheries may request further documentation as proof of corporate or partnership ownership.

SECTION C - IDENTIFICATION OF CURRENT SHAREHOLDERS AND PARTNERS: List each shareholder or partner name (Last, First, Middle Initial). The SSN is required for each individual. If the shareholder/partner is a corporation/partnership, list the individual names of all shareholders/partners of that entity. List each individual's business mailing address. If the individual is also listed as an initial shareholder/partner in Section C and all of their corresponding information is the same as in Section C, then simply list their name and write "same as above" in the corresponding fields. Note the Privacy Act Statement at the end of the application. NOAA Fisheries may request further documentation as proof of corporate or partnership ownership.

SECTION D - CERTIFICATION OF APPLICANT AND NOTARY: The authorized agent must sign and date the application in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the application, the authorized agent certifies that all information set forth in the application is true, correct, and complete to the best of the applicant's knowledge and belief. The application will not be considered without the authorized agent's signature. **Note**: The authorized agent must include a copy of the corporate resolution or other authorizing document allowing the authorized agent to sign and certify on behalf of the corporation or partnership. The notary must sign and date this section, and affix notary stamp or seal.

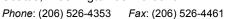
www.nwr.noaa.gov

IDENTIFICATION OF OWNERSHIP INTEREST

WEST COAST GROUNDFISH LIMITED ENTRY PERMIT

UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration National Marine Fisheries Service, Northwest Region Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1 Seattle, Washington 98115-0070





SECTION A - PERMIT OWNER/HOLDER IDENTIFICATION Vessel Name Permit Number USCG Doc or State Registration Number **GF Business Entity Name** TIN **Business Mailing Address Business Phone** Street or PO Box Business Fax (optional) City State Zip Code Business Email (optional) SECTION B - IDENTIFICATION OF **INITIAL** SHAREHOLDERS AND PARTNERS ON 1111100 NOTE: This section should only be filled out by partnerships or corporations that OWNED a permit as of 11/1/00. If ownership of a permit consists of separate/additional corporations or partnerships, the individual owners of those entities must also be listed. If necessary, attach an additional sheet of paper with the information required below. List all original shareholders/partners on 11/1/00. NAME **BUSINESS MAILING ADDRESS** SSN (Last, First, Middle Initial) (Street or PO Box, City, State, Zip Code)

SECTION C - IDENTIFICATION OF **CURRENT** SHAREHOLDERS AND PARTNERS

NOTE: If ownership or holdings of a permit consists of separate/additional corporations or partnerships, the individual owners or holders of those entities must also be listed.

If necessary, attach an additional sheet of paper with the information required below.

NAME (Last, First, Middle Initial)	SSN		BUSINESS MAILING ADDRESS (Street or PO Box, City, State, Zip Code)		
Have any individuals been added to the cor	poration or partnership since No	vember	er 1, 2000?		
			APPLICANT AND NOTARY dividual(s) have satisfactorily identified themselves.		
Under penalties of perjury, I hereby declare and complete to the best of my knowledge		ed this a	application, and the information contained herein is true, correct,		
Signature of Authorized Representative			Date		
Printed Name of Authorized Representative (NOTE: Attach authorization)					
Notary Public Signature	☐ ATTEST	Affix No	Notary Stamp or Seal Here		
Date Commission Expires					

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

PRIVACY ACT STATEMENT: Your Social Security Number (SSN) is confidential and is protected under the Privacy Act. Disclosure of your SSN is mandatory. The primary purpose for requiring the SSN and TIN is to verify the identity of individuals/entities doing business with the government as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115.

WEST COAST SABLEFISH AT-SEA PROCESSING EXEMPTION APPLICATION

UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration National Marine Fisheries Service, Northwest Region Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1 Seattle, Washington 98115-0070

Phone: (206) 526-4353 Fax: (206) 526-4461

www.nwr.noaa.gov



IMPORTANT! This application must be received by National Marine Fisheries Service (NMFS), Northwest Region, Fisheries Permits Office, by **July 1, 2006**. Late applications will NOT be accepted.

Type or print legibly in ink and keep a copy of the completed application for your records. Be sure to attach documentation substantiating at-sea processing of sablefish during 1998-2000 to the application. Mail the completed application and substantiating documents to the address listed above. Information provided on this form and any supplementary documentation will be used to determine which vessels may be exempt from the prohibition of processing sablefish at-sea.

SECTION A - PERMIT AND VESSEL IDENTIFICATION:

• <u>Permit Number/Vessel Name/Vessel Registration Number</u>: List the permit number, the name of the vessel registered to the permit and the U.S. Coast Guard documentation or state vessel registration number.

SECTION B - VESSEL OWNER IDENTIFICATION:

- <u>Vessel Owner Name(s)</u>: If the vessel owner consists of more than one entity or individual, enter the name of each owner as given on the U.S. Coast Guard 1270 (managing owner and all other owners).
- <u>SSN or Tax ID Number</u>: Enter the vessel owner's Social Security Number(s) or Taxpayer Identification Number(s). Note the Privacy Act Statement at the end of the application.
- <u>Business Mailing Address</u>: Enter the business mailing address, including street or PO Box number (not both), state, and zip code, where correspondence regarding this application should be sent. If the applicant is consists of more than one entity and/or individual, enter the business mailing address of the group's designated representative.
- <u>Business Phone, Fax and Email</u>: List the business telephone and fax numbers including the area codes and email address. Fax and email are not required.

SECTION C - AMOUNT OF FROZEN AT-SEA SABLEFISH PROCESSED: Indicate the amount of sablefish (in round weight) frozen at-sea for the applicant vessel in the years 1998, 1999, and 2000 (as of November 1, 2000). Be sure to attach to the application the sales receipts and/or bills of lading supporting the amounts indicated.

SECTION D - CERTIFICATION OF APPLICANT AND NOTARY: This section must be completed in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the application, the applicant or authorized agent certifies that all information set forth in the application is true, correct, and complete to the best of the applicant's knowledge and belief. The application will not be considered without the applicant's or authorized agent's signature. **Note**: If an individual is acting on behalf of the business entity, a corporate resolution must be provided authorizing the individual to sign the application for that entity. The notary must also sign and date the certification statement, and affix their notary stamp or seal.

If you need additional information or have any questions, call the *Fisheries Permit Office* at (206) 526-4353.

REMEMBER TO INCLUDE:

- ✓ Documents substantiating at-sea freezing of sablefish during 1998-2000.
- ✓ Completed application form with date and original signature(s).
- Mail complete application packet to the address above no later than July 1, 2006.

WEST COAST SABLEFISH AT-SEA PROCESSING EXEMPTION APPLICATION

UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration National Marine Fisheries Service, Northwest Region Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1 Seattle, Washington 98115-0070



Phone: (206) 526-4353 Fax: (206) 526-4461 www.nwr.noaa.gov

SECTION A - PERMIT AND VESSEL IDENTIFICATION				
Permit Number GF	Vessel Name		USCG Doc or State Registration Number	
SECTI	R IDENTIFIC	CATION		
Vessel Owner Name(s) (Last, First MI or Business Name) Business Name		SSN or Tax ID # (If multiple owners, attach a list of their names and SSN or Tax ID #)		
Last	First	Middle Initial		
Business Mailing Address Street or PO Box			Business Phone ()	
			Business Fax (optional)	
City	State	Zip Code	Business Email (optional)	
It is only necessary to fill in the r	AMOUNT OF FROZEI ow next to any one year in white receipts and/or bills of lading	ch the minimum q	ualifying requirements were met.	
YEAR			N AT-SEA IN ROUND WEIGHT any one year to qualify)	
1998				
1999				
2000 (before 11/1/00)				

SECTION D - CERTIFICATION OF APPLICANT AND NOTARY This section must be completed by a notary to certify that the individual(s) have satisfactorily identified themselves.				
Under penalties of perjury, I hereby declare that I, the undersigned, completed this application, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.				
Signature of Applicant or Authorized Representative Date				
Printed Name of Applicant or Authorized Representative (NOTE: If this is completed by a representative, attach authorization.)				
Notary Public Signature		re		
Date Commission Expires				

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

PRIVACY ACT STATEMENT: Federal regulations at 50 CFR 679 authorize collection of the information in this application. Your Social Security Number (SSN) is confidential and is protected under the Privacy Act. Disclosure of your SSN is voluntary. The primary purpose for soliciting the SSN is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a Federal Fishery Permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115.

MARRIAGE DECLARATION

WEST COAST GROUNDFISH LIMITED ENTRY PERMIT



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration National Marine Fisheries Service, Northwest Region Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1 Seattle, Washington 98115-0070

Phone: (206) 526-4353 Fax: (206) 526-4461 www.nwr.noaa.gov



INSTRUCTIONS

IMPORTANT! This application and a copy of your marriage certificate must be sent to NOAA Fisheries at the address given above and postmarked no later than **July 1, 2006**. Late applications will not be accepted.

Permit owners who have owned a limited entry sablefish-endorsed permit(s) since November 1, 2000 are exempt from the owner-on-board requirement. The purpose of this form is to provide a one-time opportunity for those individuals who owned sablefish-endorsed permit as of November 1, 2000 with one person listed as owner to retroactively declare their spouse as a co-owner of the permit. Once added as co-owner on the permit, the newly added spouse will also be exempt from the owner-on-board requirements.

The spouse must have been married to the permit owner as of November 1, 2000 and continue to be married to the permit owner at this time. A copy of your marriage certificate must be submitted with this application. Corporations and/or partnerships that own sablefishendorsed permits are not eligible to add a spouse as co-owner on the permit. A "partnership" is defined as two or more individuals, partnerships, corporations or combinations thereof, who have ownership in a permit, including married couples and legally recognized partnerships, such as limited partnerships (LP), general partnerships (GP) and limited liability partnerships (LLP).

If the not-listed spouse is not added to the permit at this time, and the spouse subsequently becomes the owner of the permit, he/she will be subject to the owner on board requirement. Permit owners may add a not-listed spouse as a co-owner without losing their grandfathered status (exemption) from the owner-on-board requirements. In addition, to retain the owner-on-board exemption, future permits must be purchased with both co-owners names on the permit, unless the individual also owned another permit in their own name as of November 1, 2000 and is therefore also grandfathered as an individual. For the purposes of limiting the number of permits owned and held by any individual, each name listed on the permit will count against the individual limit of 3 permits.

Please type or print legibly in ink and keep a copy of the completed application for your records. Completed applications and a **copy of your marriage certificate** should be mailed to the address listed above.

SECTION A - PERMIT OWNER IDENTIFICATION: Provide the information requested below regarding the replacement of the item(s) requested.

- Permit Number/Vessel Name/Vessel Registration Number: List the permit number, the name of the vessel registered to the permit and the U.S. Coast Guard documentation or state vessel registration number.
- Name: Enter the current permit owner's name (Last, First, Middle Initial).
- SSN: Enter the permit owner's social security number.
- <u>Business Mailing Address</u>: Enter the business mailing address, including street or PO Box number (not both), state, and zip code, where the item(s) should be sent.
- <u>Business Phone, Fax and Email</u>: List the business telephone and fax numbers including the area codes; the fax number and email address are optional. **Note:** It is important to provide a phone number where a message can be left to avoid delay in processing the application if any questions arise.

SECTION B - SPOUSE IDENTIFICATION:

- Name: Enter the spouse's name (Last, First, Middle Initial).
- SSN: Enter the spouse's social security number.

SECTION C - CERTIFICATION OF APPLICANT AND NOTARY:

- <u>Signature of Applicant</u>: The applicant must sign and date the application in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the application, the applicant certifies that all information set forth in the application is true, correct, and complete to the best of the applicant's knowledge and belief. The application will not be considered without the applicant's signature.
- <u>Printed Name of Applicant</u>: Print or type the full name of the applicant.
- <u>Notary Public</u>: A Notary Public must attest and affix notary stamp or seal. Because this application requires a notarized signature, applications received by fax will not be processed.

MARRIAGE DECLARATION





UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration National Marine Fisheries Service, Northwest Region Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1 Seattle, Washington 98115-0070





SECTION	ON A - PERMIT O	WNE	R IDENTIFIC	CATI	ON	
Permit Number GF	Vessel Name		USC	G Doc or State F	Registration Number	
Permit Owner Name				SSN		
Last	First Middle Initial					
Business Mailing Address			Busi	ness Phone		
Street or PO Box				Busin	ooo Foy (ention	
				Busi	ness Fax (<i>optior</i>	iai)
City	State Zip Code		Business Email (optional)			
Sablefish-endorsed permit owners who wer	wners may add their not-) have t listed s	he option of addi	ing the sing th	neir	
Spouse Name				SSN		
Last	First		Middle Initial			
Date married to permit owner (mm/dd/yyyy)		City a	nd State where may	arried		State
SECTION C - This section must be completed by	CERTIFICATION by a notary to certify that					themselves.
Under penalties of perjury, I hereby declare that I and complete to the best of my knowledge and be	l, the undersigned, comple elief. I also certify that the	ted this individu	application, and the	he info	rmation containe and B are current	d herein is true, correct, tly married.
Signature of Applicant					Date	
Printed Name of Applicant						
Notary Public Signature	ATTEST	Affix N	lotary Stamp or S	eal He	re	
Date Commission Expires						

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

PRIVACY ACT STATEMENT: Your Social Security Number (SSN) is confidential and is protected under the Privacy Act. Disclosure of your SSN is mandatory. The primary purpose for requiring the SSN and TIN is to verify the identity of individuals/entities doing business with the government as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.33 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115.

CHANGE OF VESSEL REGISTRATION OR PERMIT OWNER/HOLDER APPLICATION

WEST COAST GROUNDFISH LIMITED ENTRY PERMIT UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1 Seattle, Washington 98115-0070

Phone: (206) 526-4353 Fax: (206) 526-4461 www.nwr.noaa.gov



INSTRUCTIONS

REMINDER: Please provide your current limited entry permit with the completed transfer request form.

SECTION A - ACTION(S) REQUESTED: Please check the box(es) next to the action(s) requested. Fill out the sections listed for each action. If multiple permits are being combined to either increase the size endorsement or to stack (sablefish-endorsed only), a separate form must be completed for each permit. For actions that include a change in vessel registered to a sablefish-endorsed permit, there are three sub-actions that can be taking place (stacking, moving, or removing).

- 1. If a sablefish-endorsed permit is being **stacked**, going from an "unidentified" vessel status to a named vessel, check the first sub-box under "change in vessel registered to a permit."
- 2. If a sablefish-endorsed permit is being **moved**, going from one named vessel to another named vessel, check the both sub-boxes under "change in vessel registered to a permit."
- 3. If a sablefish-endorsed permit is being **removed**, going from a named vessel to an "unidentified" vessel status, check the second sub-box under "change in vessel registered to a permit."

SECTION B - CURRENT PERMIT OWNER: List permit number, vessel name currently registered to the permit, and vessel registration number. List each permit owner(s) name as given on the current permit. Enter the Social Security Number(s) (SSN) or Tax Identification number (TIN) of the current permit owner(s). This section must be signed by an authorized individual for business entities or all permit owner(s) required to sign for NMFS to implement the designated actions (See NOTE 1 below). A signed and dated corporate resolution is required from business entities authorizing an individual to sign the form on behalf of the corporation/partnership. The current permit owner(s) or authorized permit owner(s) must sign and date the application in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. The notary must sign and date the certification statement, and affix their notary stamp or seal. By signing and dating the application, the applicant certifies that all information set forth in the application is true, correct, and complete to the best of the applicant's knowledge and belief.

If the space provided in this section is not adequate to list all owners required to sign the form, attach a separate sheet with the heading: "Section B - Current Permit Owner - Attachment." Please provide permit owner names, SSN/TIN, signatures, date of signature, and notarize the separate sheet. Note the Privacy Act Statement at the end of the application.

SECTION C - CHANGE OF VESSEL REGISTERED TO PERMIT: If you are changing the vessel registered to the permit, please indicate the name and registration number of the current vessel listed on the permit on the left side of Section C and list the name and registration number of the new vessel on the right side of Section C. List the length overall of both the current and new vessels. If the permit is not being registered to a specific vessel, indicate "unidentified" for the new vessel name. A marine survey must be provided for a vessel not currently registered to a limited entry permit to verify length overall. A copy of the current U.S. Coast Guard Form 1270 Certificate of Documentation must be included with the transfer form to verify vessel ownership by the permit holder. The survey must contain the following statement: "I certify that I am an accredited marine surveyor and that this measurement of length was conducted in accordance with the U.S. Coast Guard method of determining length overall (46 CFR Ch.1, Subpart B, 69.53) and the length overall was determined to be ______ feet."

SECTION D - NEW PERMIT OWNER: List each new permit owner's name(s), a business address and phone number. Enter the Social Security Number(s) (SSN) or Tax Identification number (TIN) of the new permit owner. If the space provided in this section is not adequate to list all owners, attach a separate sheet with the heading: "Section D - New Permit Owner - Attachment." Please provide permit owner names and SSN/TIN. The new permit owner is requested (optional) to provide the permit sale price. Note the Privacy Act Statement at the end of the application.

SECTION E - PERMIT HOLDER: If the holder of the permit is different than the permit owner (as in the case of permit leases), list the individual(s) or business name, address and phone number. If the permit holder is different from the listed permit owner, enter the Social Security Number(s) (SSN) or Tax Identification number (TIN). If the space provided in this section is not adequate to list all holders, attach a separate sheet with the heading: "Section E - Permit Holder - Attachment." Please provide permit holder names and SSN/TIN. The new permit holder is requested (optional) to provide the permit lease price and period of the lease. Note the Privacy Act Statement at the end of the application. If removing the permit holder, just check the box "remove holder" in the section but do not fill out the rest of the section. The permit holder must be the same as the vessel owner as stated in regulation at 50 CFR Part 660.333(a).

SECTION F - SABLEFISH-ENDORSED PERMIT TRANSFER: Fill out this section if you are requesting a transfer of a sablefish-endorsed permit at any time during the primary sablefish season. This section requires the transferor to certify the total amount of sablefish landings for the current primary sablefish season on the permit at the time of transfer and the transferee to acknowledge the amount of sablefish remaining to be landed on the permit during the primary sablefish season. In the case of an enforcement investigation on a sablefish-endorsed permit, the transferor may be held liable for certifying false landings during a mid-season transfer of a permit.

Eligibility to own or hold a West Coast Groundfish Limited Entry Permit: Please note that a West Coast Groundfish Limited Entry Permit may be issued or may be held only by a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a).

NOTE 1: Persons who are signing on behalf of an organization or another party, need to submit evidence of authority to sign such as: notarized power of attorney, corporate resolutions, certified court documents relative to divorce decrees and judgements or appointments as executor, etc. If the permit is owned by co-owners, both owners must sign.

NOTE 2: Persons eligible to own a documented vessel are:

- an individual who is a citizen of the United States
- an association, trust, joint venture or other entity
 - a) all of whose members are citizens of the United States; and
 - b) that is capable of holding title to a vessel under the laws of the United States or of a State
- a partnership whose general partners are citizens of the United States
- a corporation established under the laws of the United States or of a State, whose president or other chief executive officer and chairman of the board of directors are citizens of the United States and no more of its directors are non-citizens than a minority of the number necessary to constitute a quorum;
- the United States Government;
- the government of a State;
- an alien lawfully admitted to the United States for permanent residence who operates a fishing vessel off the coast of the State of California.

Please mail this application with **your current limited entry permit** and other required supporting documentation to the address listed at the top of the instructions page.

www.nwr.noaa.gov

CHANGE OF VESSEL REGISTRATION OR PERMIT OWNER/HOLDER APPLICATION

WEST COAST GROUNDEISH LIMITED ENTRY PERMIT

UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration National Marine Fisheries Service, Northwest Region Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1 Seattle, Washington 98115-0070



SECTION A - ACTION(S) REQUESTED Check all that apply.					
_	.	a sablefish-endor	rsed permit? dorsed permit from		
	SECTION B - CURRENT I	PERMIT OW	NER		
Permit Number GF	Vessel Name		USCG Doc or State Registration Number		
Current Permit Owner Name(s) (Last, First, Middle Name or Business Name) Business Name			TIN (If multiple owners, attach a list of their names and TIN)		
Last	First	Middle Name	SSN (If multiple owners, attach a list of their names and SSN)		
Business Mailing Address Is this a change of address? Street or PO Box			Business Phone () Business Fax (optional) ()		
City	State	Zip Code	Business Email (optional)		
The remainder of Section B must be completed by a notary to certify that the individual(s) signing this form have satisfactorily identified themselves.					
Under penalties of perjury, I hereby declare and complete to the best of my knowledge		application, and t	the information contained herein is true, correct,		
Signature of Applicant or Authorized Representative (See Note 1)		Date			
Printed Name of Applicant or Authorized R	epresentative (NOTE: If form complete	d by a representat	ive, attach authorization.)		
Notary Public Signature		Affix Notary Stamp or Seal Here			
Date Commission Expires					

SECTION C - CHANGE OF VESSEL REGISTERED TO PERMIT					
CURRENT Vessel Name		NEW Vessel Name _	_		
USCG Doc or State Registration Number		USCG Doc or State Registration Number			
Length Overall f	eet	Length Overall	feet		
For the new vessel, submit a copy of the US Coast Guard "Certificate of Documentation" (CG-1270) or the registration certificate issued by a state. Also submit a marine survey documenting vessel length overall (LOA). The survey must be conducted by a certified marine surveyor according to the USCG method for determining LOA. NOTE: In order to register a permit for use with a given vessel, the vessel owner must be listed as either th permit owner or holder.					
	SECTION D - NEW	PERMIT OWNE	R		
New Permit Owner Name(s) (Last, First, Business Name	Middle Name or Business Name)		TIN (If multiple owners, attach a list of their names and TIN)		
Last	First	Middle Name	SSN (If multiple owners, attach a list of their names and SSN)		
Business Mailing Address			Business Phone ()		
			Business Fax (optional)		
City	State	Zip Code	Business Email (optional)		
Are you a person eligible to own a docume	ented vessel under the terms of 46	USC 12102 (a)? (See /	Note 2) yes no		
Permit sale price (optional) \$	(U.S. dollars)				
	SECTION E - PE	RMIT HOLDER	Add holder Remove holder		
Permit Holder/Vessel Owner Name(s) (L. Business Name	ast, First, Middle Name or Business	s Name)	TIN (If multiple owners, attach a list of their names and TIN)		
Last	First	Middle Name	SSN (If multiple owners, attach a list of their names and SSN)		
Business Mailing Address Is this a change of address? Street or PO Box			Business Phone ()		
			Business Fax (optional)		
City	State	Zip Code	Business Email (optional)		
Are you a person eligible to own a docume	ented vessel under the terms of 46	USC 12102 (a)? (See N	Vote 2) yes no		
Permit lease price (optional) \$	(U.S. dollars)	Period of le	ease (optional)		

SECTION F - SABLEFISH-ENDORSED PERMIT TRANSFER Only fill out this section if you are transferring a sablefish-endorsed permit. Is the permit transfer occurring during the primary sablefish season (usually April-October)? If yes, how much cumulative sablefish in pounds (round weight) has been landed to date against the permit's primary season limit? pounds If no, no further information is required in this section. Current Permit Owner (Transferor): I certify that the cumulative amount of landed sablefish given above has been credited against the permit listed on this form and is accurate as of the date of my signature below. Further, I certify that the cumulative amount of landed sablefish for this permit (given above) occurred during the current primary sablefish season and has been reported on fish landing tickets. Printed Name of Current Permit Owner Signature of Current Permit Owner Date New Permit Owner or Holder (Transferee): I acknowledge that the cumulative amount of landed sablefish given above has been credited against the permit listed on this form and reflects cumulative landings during the current primary sablefish season. Further, I acknowledge that the difference between the total tier poundage available on this permit minus the amount given above is the amount of sablefish remaining to be harvested during the current primary sablefish season.

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

Signature of New Permit Owner or Holder

Date

Printed Name of New Permit Owner or Holder

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115.

ADDITIONAL INFORMATION: Before completing this form, please note the following: 1) This information is collected to manage and conserve the Pacific Coast Groundfish fishery and more specifically, to maintain accurate and current records on all permit owners, permit holders and vessels registered to participate in the Pacific Coast Groundfish Limited Entry Program. This information will be used to formally document a request from the permit owner to make a change to a permit and allow the Agency to review and verify that such a request is in compliance with existing regulations, to monitor and analyze changes in participation in Pacific Groundfish fishery, accurately record changes to the listed permit owner, permit holder or vessel registered to the permit, and maintain accurate and current address and contact information of permit owners and holders to allow the Agency to notify them of changes in the fishery regulations. 2) This collection of information is mandatory and a change in registration of limited entry permits is required at 50 CFR Section 660.335 (b-i). 3) Responses to this information request are confidential under Section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et. seq.). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook of the Northwest and Alaska Region, National Marine Fisheries Service". Not withstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

PRIVACY ACT STATEMENT: Your Social Security Number (SSN) and Tax Identification Number (TIN) are confidential and is protected under the Privacy Act. The primary purpose for requiring the SSN and TIN is to verify the identity of individuals/entities doing business with the government as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134).

BILLING CODE XXXX

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

[Docket No.]

Privacy Act of 1974; System of Records

AGENCY: Department of Commerce

ACTION: Notice of a new Privacy Act System of Records:

Commerce/NOAA System-NOAA-18; Permits and Registrations for

Fisheries in the Exclusive Economic Zone (EEZ) off

Washington, Oregon, and California and permits and

registrations for vessels fishing on the high seas outside

of the EEZ.

SUMMARY: This notice announces the Department of

Commerce's (Department) new system of records under the

Privacy Act. The new system of records for permits and nonpermit registrations is for use with a variety of

commercial and recreational fisheries management programs.

The National Marine Fisheries Service (NMFS) requires the

use of permits or registrations by participants in certain

fisheries in EEZ off Washington, Oregon, and California and

on the high seas outside of the EEZ. NMFS collects

applications for various permits and from individuals under

the authority of the Magnuson-Stevens Fishery Conservation

and Management Act (Magnuson-Stevens Act) and the High Seas

Fishing Compliance Act. This new record system is necessary to identify participants in the fishery and to evaluate whether the applicants/participants meet the established requirements for fishing privileges in the EEZ and in the high seas outside the EEZ.

DATES: <u>Comment Date</u>: Written comments must be submitted on or before [<u>insert date 30 days from publication in the</u>]

FEDERAL REGISTER]

Effective Date: The new system of records will become effective without further notice on [insert date 30 days after date of filing for inspection at the Office of the Federal Register] unless revisions are required based on public comment or Departmental or OMB Review.

ADDRESSES: Comments may be mailed to Stephen P. Freese, Acting Assistant Regional Administrator for Sustainable Fisheries, NMFS, Northwest Region, Sustainable Fisheries Division, 7600 Sand Point Way NE, Bldg. #1, Seattle, WA 98115; Attn: Maryanne Nickerson.

FOR FURTHER INFORMATION CONTACT: Kevin Ford, 206-526-6115; Kevin.Ford@noaa.gov

SUPPLEMENTARY INFORMATION: NMFS, Northwest Region is creating a new system of records for permit and non-permit registrations for use with a variety of management programs for commercial and recreational fisheries. NMFS requires

the use of permits or registration by some participants in fisheries in the EEZ off Washington, Oregon, and California and on the high seas outside of the EEZ. Information collections would be requested from individuals and business entities under the authority of the Magnuson-Stevens Act and the High Seas Fishing Compliance Act. Records collected for High Seas Fishing Compliance Act permits are for those individuals who elect to apply for such permits from the NMFS, Northwest Region. The collection of information is necessary to identify participants in these fisheries and to evaluate whether the applicants or current permit owners/holders are eligible for certain fishing privileges and benefits.

NMFS, Northwest Region collects information from individuals and business entities in order to issue, renew, or transfer fishing permits or to make non-permit registrations. Specifically, the NMFS, Northwest Region issues permits or registrations for the following programs:

- Pacific Coast Groundfish Limited Entry Permits
- Exempted Fisheries Permit (NOAA approved research and data collection activities)
- High Seas Fishing Compliance Act Permits (for those individuals electing to obtain a high seas permit through the NMFS, Northwest Region)

• Registration of Sablefish Vessels with an Exemption from At-Sea Processing

SYSTEM NAME:

Permits and Registrations Issued for Fisheries in the EEZ off the Coast of Washington, Oregon and California and the high seas outside the EEZ.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

NMFS, Northwest Region, Sustainable Fisheries
Division, 7600 Sand Point Way NE, Bldg. #1, Seattle, WA
98115.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Permit owner, permit holder, permit applicant, vessel owner, and vessel operator.

CATEGORIES OF RECORDS IN THE SYSTEM:

The following records that may be contained in this system of records are: current and prospective permit owner/holder/vessel owner and operator name; business address; business telephone number; business fax number; email address and Social Security Number or Tax Identification Number; vessel name; vessel gear, hold capacity, USCG Certificate of Documentation number or state vessel registration number/document; vessel length; permit

number; amount of landed fish or processed fish product, divorce decrees, death certificates, probated wills, trust documents, articles of incorporation, corporate resolutions, sales and lease agreements, marriage certificates; probated wills; date of birth; lists of individuals (name, address, Social Security Number) who have an ownership interest in legally recognized business entity that owns or holds a sablefish endorsed permit, renewal form, transfer form, permit application form, sablefish ownership interest form, declaration of marriage form, sablefish freezer longliner exemption form; and permit file copy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Magnuson-Stevens Fishery Conservation and Management
Act (16 U.S.C. 1853) and 50 CFR Part 660.333-340 and 50 CFR
Part 660.335; High Seas Fishing Compliance Act of 1995 (15
U.S.C 5501 et. seq.) and 50 CFR Part 300.

PURPOSE(S):

Information contained in this system of records allows NMFS staff to: identify permit owners and holders; vessel owners and operators; evaluate requests by applicants and current participants (permit owners and holders) in approving/disapproving the issuance of a permit or a vessel registration or a transfer of an existing permit or renewal

of a current permit; and maintain current and historical information on permit owners/holders and registrants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the Department of Commerce (Department) as a routine use pursuant to 5 U.S.C. 552a(b) as follows:

1. If a system of records maintained by the Department indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute or contract, or rule, regulation or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

- 2. A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed to the Department of Justice in connection with determining whether the Freedom of Information Act (5 U.S.C. 552) requires disclosure thereof.
- 5. A record in this system of records may be disclosed to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m) provided the contractor signs a statement of non-disclosure and certification for access to information deemed confidential by NOAA in such record per NOAA Administrative Order 216-100.

- 6. A landing record in this system of records may be disclosed to Federal employees that have signed a confidentiality statement with the states of Washington, Oregon, California or the Pacific States Marine Fisheries Commission for the purpose of comanaging a fishery or for making determinations about eligibility for permits when State data are all or part of the basis for the permits.
- 7. Under Section 402(b) of the Magnuson-Stevens Act, a record in this system of records may be disclosed to Pacific Fishery Management Council (Council) staff and contractors tasked with development of analyses to support Council decisions about Fishery

 Management Programs provided the Council has an agreement with the Department that prevents public disclosure of the identity of any business or any person.
- 8. Under Section 402(b) of the Magnuson-Stevens Act, a record in this system may be disclosed to the NMFS

 Observer Program for purposes of identifying current permit owners and vessels and making a random assignment of observers to vessels in a given fishing season.

9. Under 31 U.S.C. 7701 (c)(1): "the head of Federal Agency shall require each person doing business with that agency to furnish that agency such person's taxpayer identification number." A record in this system containing a Social Security Number may be disclosed to other Federal agencies if such disclosure is made for the purposes of collecting and reporting on any delinquent amounts arising out a person's relationship with the Federal Government under the Debt Collection Improvement Act.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage:

Computerized database; paper records.

Retrievability:

Paper records are maintained in file folders and organized by permit number for the groundfish limited entry permits and exempted fishing permits. High Seas Fishing Compliance Act permit file folders are organized by vessel number. Electronic records are retrieved by permit number, name of permit owner or permit holder, vessel owner name,

vessel name or vessel identification number or any combination thereof.

Safeguards:

The system of records is stored in a building with doors that are locked during and after business hours.

Visitors to the facility must register with security guards and must be accompanied by Federal personnel at all times.

Records are stored in a locked file cabinet. Electronic records containing Privacy Act information are protected by a user identification/password. The user identification/password is issued individuals as authorized by the NWR Assistant Regional Administrator for Sustainable Fisheries.

Retention and Disposal:

All records are retained and disposed of in accordance with National Archive and Records Administration regulations (36 CFR Subchapter B - Records Retention);

Departmental directives and comprehensive records schedules.

SYSTEM MANAGER (S) AND ADDRESS:

NMFS, Northwest Region, Sustainable Fisheries
Division, 7600 Sand Point Way NE, Bldg. #1, Seattle, WA
98115

NOTIFICATION PROCEDURE:

A notification may be submitted to the system manager at the address given above. Requestor must make the request in writing and provide his/her name, address, and date of the request and record sought. All such requests must comply with the inquiry provisions of the Department's Privacy Act rules which appear at 15 CFR Part 4, subpart B. RECORD ACCESS PROCEDURES:

Requests for access to records maintained in this system of records should be addressed to the same address given in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned are provided for in 15 CFR Part 4, subpart b.

RECORD SOURCE CATEGORIES:

Information in this system will be collected from individuals/business entities applying for a permit or registration or from an existing permit owner, permit holder or vessel owner.

EXEMPTION CLAIMS FOR SYSTEM:

None.

Date:

Brenda Dolan

Department of Commerce

Freedom of Information/Privacy Act Officer

for the vessel to participate in the limited entry fishery.

- (1) Registration of a permit to be used with a new vessel will take effect no earlier than the first day of the next major limited entry cumulative limit period following the date SFD receives the transfer form and the original permit.
- (2) The major limited entry cumulative limit periods will be announced in the FEDERAL REGISTER with the harvest specifications and management measures, and with routine management measures when the cumulative limit periods are changed.
- (d) Limited entry permits indivisible. Limited entry permits may not be divided for use by more than one vessel.
- (e) Initial decisions. SFD will make initial decisions regarding permit endorsements, renewal, replacement, and change in vessel registration. SFD will notify the permit holder in writing with an explanation of any decision to deny a permit endorsement, renewal, replacement, or change in vessel registration. The SFD will decline to act on an application for permit endorsement, renewal, transfer, replacement, or registration of a limited entry permit if the permit is subject to sanction provisions of the Magnuson-Stevens Act at 16 U.S.C. 1858 (a) and implementing regulations at 15 CFR part 904, subpart D, apply.

[66 FR 40919, Aug. 6, 2001, as amended at 66 FR 41158, Aug. 7, 2001; 68 FR 52523, Sept. 4, 2003]

§ 660.334 Limited entry permits-endorsements.

(a) "A" endorsement. A limited entry permit with an "A" endorsement entitles the holder to participate in the limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a sablefish endorsement is required. See §660.334 (d) for provisions on sablefish endorsement requirements. An "A" endorsement is transferable with the limited entry permit to another person, or to a different vessel under the same ownership under §660.335. An "A" endorsement expires on failure to renew the limited entry permit to which it is affixed.

- (b) Gear endorsements. There are three types of gear endorsements: trawl, longline and pot (trap). When limited entry permits were first issued, some vessel owners qualified for more than one type of gear endorsement based on the landings history of their vessels. Each limited entry permit has one or more gear endorsement(s). Gear endorsement(s) assigned to the permit at the time of issuance will be permanent and shall not be modified. While participating in the limited entry fishery, the vessel registered to the limited entry permit is authorized to fish the gear(s) endorsed on the permit. While participating in the limited entry, primary fixed gear fishery for sablefish described at §660.372, a vessel registered to more than one limited entry permit is authorized to fish with any gear, except trawl gear, endorsed on at least one of the permits registered for use with that vessel. During the limited entry fishery, permit holders may also fish with open access gear; except that vessels fishing against primary sablefish season cumulative limits described at §660.372(b)(3) may not fish with open access gear against those limits.
- (c) Vessel size endorsements—(1) General. Each limited entry permit will be endorsed with the LOA for the size of the vessel that initially qualified for the permit, except:
- (i) If the permit is registered for use with a trawl vessel that is more than 5 ft (1.52 m) shorter than the size for which the permit is endorsed, it will be endorsed for the size of the smaller vessel. This requirement does not apply to a permit with a sablefish endorsement that is endorsed for both trawl and either longline or pot gear and which is registered for use with a longline or pot gear vessel for purposes of participating in the limited entry primary fixed gear sablefish fishery described at §660.372.
- (ii) When permits are combined into one permit to be registered for use with a vessel requiring a larger size endorsement, the new permit will be endorsed for the size that results from the combination of the permits as described in paragraph (c)(2)(iii) of this section.

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(2) Limitations of size endorsements—(i) A limited entry permit endorsed only for gear other than trawl gear may be registered for use with a vessel up to 5 ft (1.52 m) longer than, the same length as, or any length shorter than, the size endorsed on the existing permit without requiring a combination of permits under §660.335 (b) or a change in the size endorsement.

(ii) A limited entry permit endorsed for trawl gear may be registered for use with a vessel between 5 ft (1.52 m) shorter and 5 ft (1.52 m) longer than the size endorsed on the existing permit without requiring a combination of permits under §660.335 (b) or a change in the size endorsement under paragraph (c)(1)(i) of this section.

(iii) The vessel harvest capacity rating for each of the permits being combined is that indicated in Table 2 of this part for the LOA (in feet) endorsed on the respective limited entry permit. Harvest capacity ratings for fractions of a foot in vessel length will be determined by multiplying the fraction of a foot in vessel length by the difference in the two ratings assigned to the nearest integers of vessel length. The length rating for the combined permit is that indicated for the sum of the vessel harvest capacity ratings for each permit being combined. If that sum falls between the sums for two adjacent lengths on Table 2 of this part, the length rating shall be the higher length.

(3) Size endorsement requirements for sablefish endorsed permits. Notwithstanding paragraphs (c)(1) and (2) of this section, when multiple permits are "stacked" on a vessel as described in §660.335 (c), only one of the permits must meet the size requirements of those sections. Any additional permits that are stacked for use with a vessel participating in the limited entry primary fixed gear sablefish fishery may be registered for use with a vessel even if the vessel is more than 5 feet longer or shorter than the size endorsed on the permit.

(d) Sablefish endorsement and tier assignment—(1) General. Participation in the limited entry fixed gear sablefish fishery during the primary season described in §660.372 north of 36° N. lat., requires that an owner of a vessel hold

(by ownership or lease) a limited entry permit, registered for use with that vessel, with a longline or trap (or pot) endorsement and a sablefish endorsement. Up to three permits with sablefish endorsements may be registered for use with a single vessel. Limited entry permits with sablefish endorsements are assigned to one of three different cumulative trip limit tiers, based on the qualifying catch history of the permit.

(i) A sablefish endorsement with a tier assignment will be affixed to the permit and will remain valid when the permit is transferred.

(ii) A sablefish endorsement and its associated tier assignment are not separable from the limited entry permit, and therefore may not be transferred separately from the limited entry permit.

(2) Endorsement and tier assignment qualifying criteria.

(i) Permit catch history. Permit catch history will be used to determine whether a permit meets the qualifying criteria for a fixed gear sablefish endorsement and to determine the appropriate tier assignment for endorsed permits. Permit catch history includes the catch history of the vessel(s) that initially qualified for the permit, and subsequent catch histories accrued when the limited entry permit or permit rights were associated with other vessels. The catch history of a permit also includes the catch of any interim permit held by the current owner of the permit during the appeal of an initial NMFS decision to deny the initial issuance of a limited entry permit, but only if the appeal for which an interim permit was issued was lost by the appellant, and the owner's current permit was used by the owner in the 1995 limited entry sablefish fishery. The catch history of an interim permit where the full "A" permit was ultimately granted will also be considered part of the catch history of the "A" permit. If the current permit is the result of the combination of multiple permits, then for the combined permit to qualify for an endorsement, at least one of the permits that were combined must have had sufficient sablefish history to qualify for an endorsement; or the permit must qualify based on catch occurring

after it was combined, but taken within the qualifying period. If the current permit is the result of the combination of multiple permits, the combined catch histories of all of the permits that were combined to create a new permit before March 12, 1998, will be used in calculating the tier assignment for the resultant permit, together with any catch history (during the qualifying period) of the resultant permit. Only sablefish catch regulated by this part that was taken with longline or trap (pot) gear will be considered for the sablefish endorsement, except that vessels qualifying for the sablefish endorsement based on longline or trap (pot) landings may include setnet sablefish landings defined at (d)(2)(ii)(B) of this section in meeting tier assignment qualifications. Sablefish harvested illegally or landed illegally will not be considered for this endorsement.

- (ii) Sablefish endorsement tier assignments. Only limited entry, fixed gear permits with sablefish endorsements will receive cumulative trip limit tier assignments.
- (A) The qualifying weight criteria for Tier 1 are at least 898,000 lb (407,326 kg) cumulative round weight of sablefish caught over the years 1984-1994. The qualifying weight criteria for Tier 2 are at least 380,000 lb (172,365 kg), but no more than 897,999 lb (407,326 kg) cumulative round weight of sablefish caught over the years 1984-1994. Fixed gear permits with less than 380,000 lb (172,365 kg) cumulative round weight of sablefish caught over the years 1984-1994 qualify for Tier 3. All qualifying sablefish landings must be caught with longline or trap (pot), although setnet landings defined at sub-paragraph (B) of this section may also be included in tier assignment qualifying landings. Sablefish taken in tribal set aside fisheries does not qualify.
- (B) Setnet sablefish landings are included in sablefish endorsement tier assignment qualifying criteria if those landings were made north of 38° N. lat. under the authority of an EFP issued by NMFS in any of the years 1984–1985, by a vessel that landed at least 16,000 lb (7,257 kg) of sablefish with longline or trap (pot) gear in any one year between 1984–1994.

- (iii) Evidence and burden of proof. A vessel owner (or person holding limited entry rights under the express terms of a written contract) applying for issuance, renewal, replacement, transfer, or registration of a limited entry permit has the burden to submit evidence to prove that qualification requirements are met. The owner of a permit endorsed for longline or trap (pot) gear applying for a sablefish endorsement or a tier assignment under this section has the burden to submit evidence to prove that qualification requirements are met. The following evidentiary standards apply:
- (A) A certified copy of the current vessel document (USCG or State) is the best evidence of vessel ownership and LOA.
- (B) A certified copy of a State fish receiving ticket is the best evidence of a landing, and of the type of gear used.
- (C) A copy of a written contract reserving or conveying limited entry rights is the best evidence of reserved or acquired rights.
- (D) Such other relevant, credible evidence as the applicant may submit, or the SFD or the Regional Administrator request or acquire, may also be considered.
- (3) Issuance process for sablefish endorsements and tier assignments. (i) No new applications for sablefish endorsements will be accepted after November 30, 1998.
- (ii) All tier assignments and subsequent appeals processes were completed by September 1998. If, however, a permit owner with a sablefish endorsement believes that his permit may qualify for a change in tier status based on qualifications in paragraph (d)(2)(ii)(B) of this section, the SFD will accept applications for a tier change through December 31, 2002. The application shall consist of a written letter stating the applicant's circumstances, requesting action, signed by the applicant, and submitted along with the relevant documentation (fish tickets) in support of the application for a change in tier status.
- (iii) After review of the evidence submitted under paragraph (ii), and any additional information the SFD finds

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to be relevant, the Regional Administrator will issue a letter of determination notifying a permit owner of whether the evidence submitted is sufficient to alter the initial tier assignment. If the Regional Administrator determines the permit qualifies for a different tier, the permit owner will be issued a permit with the revised tier assignment once the initial permit is returned to the SFD for processing.

(iv) If a permit owner chooses to file an appeal of the determination under paragraph (iii) of this section, the appeal must be filed with the Regional Administrator within 30 days of the issuance of the letter of determination. The appeal must be in writing and must allege facts or circumstances, and include credible evidence onstrating why the permit qualifies for a different tier assignment. The appeal of a denial of an application for a different tier assignment will not be referred to the Council for a recommendation under §660.340 (e).

(v) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 30 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision.

(4) Ownership requirements and limitations. (i) No partnership or corporation may own a limited entry permit with a sablefish endorsement unless that partnership or corporation owned a limited entry permit with a sablefish endorsement on November 1, 2000. Otherwise, only individual human persons may own limited entry permits with sablefish endorsements.

(ii) No person, partnership, or corporation may have ownership interest in or hold more than three permits with sablefish endorsements, except for persons, partnerships, or corporations that had ownership interest in more than 3 permits with sablefish endorsements as of November 1, 2000. The exemption from the maximum ownership level of 3 permits only applies to ownership of the particular permits that were owned on November 1, 2000. Persons, partnerships or corporations that had ownership interest 3 or more permits with sablefish endorsements as of

November 1, 2000, may not acquire additional permits beyond those particular permits owned on November 1, 2000. If, at some future time, a person, partnership, or corporation that owned more than 3 permits as of November 1, 2000, sells or otherwise permanently transfers (not leases) some of its originally owned permits, such that they then own fewer than 3 permits, they may then acquire additional permits, but may not have ownership interest in or hold more than 3 permits.

(iii) A partnership or corporation will lose the exemptions provided in paragraphs (d)(4)(i) and (ii) of this section on the effective date of any change in the corporation or partnership from that which existed on November 1, 2000. A "change" in the partnership or corporation means a change in the corporate or partnership membership, except a change caused by the death of a member providing the death did not result in any new members. A change in membership is not considered to have occurred if a member becomes legally incapacitated and a trustee is appointed to act on his behalf, nor if the ownership of shares among existing members changes, nor if a member leaves the corporation or partnership and is not replaced. Changes in the ownership of publicly held stock will not be deemed changes in ownership of the corporation.

(e) Endorsement restrictions. "A" endorsements, gear endorsements, sablefish endorsements, and sablefish tier assignments may not be transferred separately from the limited entry permit.

[66 FR 40919, Aug. 6, 2001, as amended at 66 FR 41158, Aug. 7, 2001; 67 FR 65905, Oct. 29, 2002; 69 FR 42351, July 15, 2004]

EFFECTIVE DATE NOTE: At $69\ FR\ 57881$, Sept. $28,\ 2004,\ \$660.334$ was amended by adding paragraphs (d)(1)(i) and (ii), effective Oct. $28,\ 2004.$

§ 660.335 Limited entry permits—renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.

(a) Renewal of limited entry permits and gear endorsements—(1) Limited entry permits expire at the end of each calendar year, and must be renewed between October 1 and November 30 of

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to be relevant, the Regional Administrator will issue a letter of determination notifying a permit owner of whether the evidence submitted is sufficient to alter the initial tier assignment. If the Regional Administrator determines the permit qualifies for a different tier, the permit owner will be issued a permit with the revised tier assignment once the initial permit is returned to the SFD for processing.

(iv) If a permit owner chooses to file an appeal of the determination under paragraph (iii) of this section, the appeal must be filed with the Regional Administrator within 30 days of the issuance of the letter of determination. The appeal must be in writing and must allege facts or circumstances, and include credible evidence onstrating why the permit qualifies for a different tier assignment. The appeal of a denial of an application for a different tier assignment will not be referred to the Council for a recommendation under §660.340 (e).

(v) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 30 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision.

(4) Ownership requirements and limitations. (i) No partnership or corporation may own a limited entry permit with a sablefish endorsement unless that partnership or corporation owned a limited entry permit with a sablefish endorsement on November 1, 2000. Otherwise, only individual human persons may own limited entry permits with sablefish endorsements.

(ii) No person, partnership, or corporation may have ownership interest in or hold more than three permits with sablefish endorsements, except for persons, partnerships, or corporations that had ownership interest in more than 3 permits with sablefish endorsements as of November 1, 2000. The exemption from the maximum ownership level of 3 permits only applies to ownership of the particular permits that were owned on November 1, 2000. Persons, partnerships or corporations that had ownership interest 3 or more permits with sablefish endorsements as of

November 1, 2000, may not acquire additional permits beyond those particular permits owned on November 1, 2000. If, at some future time, a person, partnership, or corporation that owned more than 3 permits as of November 1, 2000, sells or otherwise permanently transfers (not leases) some of its originally owned permits, such that they then own fewer than 3 permits, they may then acquire additional permits, but may not have ownership interest in or hold more than 3 permits.

(iii) A partnership or corporation will lose the exemptions provided in paragraphs (d)(4)(i) and (ii) of this section on the effective date of any change in the corporation or partnership from that which existed on November 1, 2000. A "change" in the partnership or corporation means a change in the corporate or partnership membership, except a change caused by the death of a member providing the death did not result in any new members. A change in membership is not considered to have occurred if a member becomes legally incapacitated and a trustee is appointed to act on his behalf, nor if the ownership of shares among existing members changes, nor if a member leaves the corporation or partnership and is not replaced. Changes in the ownership of publicly held stock will not be deemed changes in ownership of the corporation.

(e) Endorsement restrictions. "A" endorsements, gear endorsements, sablefish endorsements, and sablefish tier assignments may not be transferred separately from the limited entry permit.

[66 FR 40919, Aug. 6, 2001, as amended at 66 FR 41158, Aug. 7, 2001; 67 FR 65905, Oct. 29, 2002; 69 FR 42351, July 15, 2004]

EFFECTIVE DATE NOTE: At $69\ FR\ 57881$, Sept. $28,\ 2004,\ \$660.334$ was amended by adding paragraphs (d)(1)(i) and (ii), effective Oct. $28,\ 2004.$

§ 660.335 Limited entry permits—renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.

(a) Renewal of limited entry permits and gear endorsements—(1) Limited entry permits expire at the end of each calendar year, and must be renewed between October 1 and November 30 of

each year in order to remain in force the following year.

- (2) Notification to renew limited entry permits will be issued by SFD prior to September 1 each year to the most recent address of the permit owner. The permit owner shall provide SFD with notice of any address change within 15 days of the change.
- (3) Limited entry permit renewal requests received in SFD between November 30 and December 31 will be effective on the date that the renewal is approved. A limited entry permit that is allowed to expire will not be renewed unless the permit owner requests reissuance by March 31 of the following year and the SFD determines that failure to renew was proximately caused by illness, injury, or death of the permit owner.
- (b) Combining limited entry permits. Two or more limited entry permits with "A" gear endorsements for the same type of limited entry gear may be combined and reissued as a single permit with a larger size endorsement as § 660.334 paragraph (c)(2)(iii). With respect to permits endorsed for nontrawl limited entry gear, a sablefish endorsement will be issued for the new permit only if all of the permits being combined have sablefish endorsements. If two or more permits with sablefish endorsements are combined, the new permit will receive the same tier assignment as the tier with the largest cumulative landings limit
- of the permits being combined.
 (c) "Stacking" limited entry permits. "Stacking" limited entry permits refers to the practice of registering more than one permit for use with a single vessel. Only limited entry permits with sablefish endorsements may be "stacked." Up to three limited entry permits with sablefish endorsements may be registered for use with a single vessel during the primary sablefish season described at §660.372(b). Privileges, responsibilities, and restrictions associated with stacking permits to participate in the primary sablefish fishery are described at §660.372 and at §660.334(d).
- (d) Changes in permit ownership and permit holder—(1) General. The permit owner may convey the limited entry permit to a different person. The new

- permit owner will not be authorized to use the permit until the change in permit ownership has been registered with and approved by the SFD. The SFD will not approve a change in permit ownership for limited entry permits with sablefish endorsements that does not meet the ownership requirements for those permits described at §660.334 (d)(4).
- (2) Effective date. The change in ownership of the permit or change in the permit holder will be effective on the day the change is approved by SFD, unless there is a concurrent change in the vessel registered to the permit. Requirements for changing the vessel registered to the permit are described at paragraph (e) of this section.
- (e) Changes in vessel registration-transfer of limited entry permits and gear endorsements—(1) General. A permit may not be used with any vessel other than the vessel registered to that permit. For purposes of this section, a permit transfer occurs when, through SFD, a permit owner registers a limited entry permit for use with a new vessel. Permit transfer applications must be submitted to SFD with the appropriate documentation described at paragraph (g) of this section. Upon receipt of a complete application, and following review and approval of the application, the SFD will reissue the permit registered to the new vessel.
- (2) Application. A complete application must be submitted to SFD in order for SFD to review and approve a change in vessel registration. At a minimum, a permit owner seeking to transfer a limited entry permit shall submit to SFD a signed application form and his/her current limited entry permit before the first day of the cumulative limit period in which they wish to participate. If a permit owner provides a signed application and current limited entry permit after the first day of a cumulative limit period, the permit will not be effective until the succeeding cumulative limit period. SFD will not approve a change in vessel registration (transfer) until it receives a complete application, the existing permit, a current copy of the USCG 1270, and other required documentation.

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- (3) Effective date. (i) Changes in vessel registration on permits will take effect no sooner than the first day of the next major limited entry cumulative limit period following the date that SFD receives the signed permit transfer form and the original limited entry permit. Major cumulative limit periods are defined as two-month trip limit periods in §660.302. Unless otherwise specified in the FEDERAL REGISTER, the major cumulative limit periods begin on January 1, March 1, May 1, July 1, September 1, and November 1. No transfer is effective until the limited entry permit has been reissued as registered with the new vessel.
- (ii) Notwithstanding paragraph (i) of this section, if SFD receives the original sablefish endorsed permit, and a complete transfer application by August 14, 2001, the resultant change in vessel registration will be effective August 15, 2001, or as soon thereafter as the transfer has been approved. Transfer applications received after August 14, 2001, would be subject to the restrictions in paragraph (i) of this section.
- (f) Restriction on frequency of transfers. Limited entry permits may not be registered for use with a different vessel (transfer) more than once per calendar year, except in cases of death of a permit holder or if the permitted vessel is totally lost as defined in 660.302. The exception for death of a permit holder applies for a permit held by a partnership or a corporation if the person or persons holding at least 50 percent of the ownership interest in the entity dies.
- (1) A permit owner may designate the vessel registration for a permit as "unidentified", meaning that no vessel has been identified as registered for use with that permit. No vessel is authorized to use a permit with the vessel registration designated as "unidentified."
- (2) When a permit owner requests that the permit's vessel registration be designated as "unidentified," the transaction is not considered a "transfer" for purposes of this section. Any subsequent request by a permit owner to change from the "unidentified" status of the permit in order to register the permit with a specific vessel will be considered a change in vessel registra-

tion (transfer) and subject to the restriction on frequency and timing of changes in vessel registration (transfer).

- Application and supplemental (g) documentation. Permit holders may request a transfer (change in vessel registration) and/or change in permit ownership or permit holder by submitting a complete application form. In addition, a permit owner applying for renewal, replacement, transfer, or change of ownership or change of permit holder of a limited entry permit has the burden to submit evidence to prove that qualification requirements are met. The owner of a permit endorsed for longline or trap (or pot) gear applying for a tier assignment under §660.334 (d) has the burden to submit evidence to prove that certain qualification requirements are met. The following evidentiary standards apply:
- (1) For a request to change a vessel registration and/or change in permit ownership or permit holder, the permit owner must provide SFD with a current copy of the USCG Form 1270 for vessels of 5 net tons or greater, or a current copy of a state registration form for vessels under 5 net tons.
- (2) For a request to change the vessel registration to a permit, the permit holder must submit to SFD a current marine survey conducted by a certified marine surveyor in accordance with USCG regulations to authenticate the length overall of the vessel being newly registered with the permit. Marine surveys older than 3 years at the time of the request for change in vessel registration will not be considered "current" marine surveys for purposes of this requirement.
- (3) For a request to change a permit's ownership where the current permit owner is a corporation, partnership or other business entity, the applicant must provide to SFD a corporate resolution that authorizes the conveyance of the permit to a new owner and which authorizes the individual applicant to request the conveyance on behalf of the corporation, partnership, other business entity.
- (4) For a request to change a permit's ownership that is necessitated by the death of the permit owner(s), the individual(s) requesting conveyance of the

permit to a new owner must provide SFD with a death certificate of the permit owner(s) and appropriate legal documentation that either: specifically transfers the permit to a designated individual(s); or, provides legal authority to the transferor to convey the permit ownership.

- (5) For a request to change a permit's ownership that is necessitated by divorce, the individual requesting the change in permit ownership must submit an executed divorce decree that awards the permit to a designated individual(s).
- (6) Such other relevant, credible documentation as the applicant may submit, or the SFD or Regional Administrator may request or acquire, may also be considered.
- (h) Application forms available. Application forms for the change in vessel registration (transfer) and change of permit ownership or permit holder of limited entry permits are available from the SFD (see part 600 for address of the Regional Administrator). Contents of the application, and required supporting documentation, are specified in the application form.
- (i) Records maintenance. The SFD will maintain records of all limited entry permits that have been issued, renewed, transferred, registered, or replaced.

[66 FR 40921, Aug. 6, 2001, as amended at 66 FR 41158, Aug. 7, 2001; 67 FR 65906, Oct. 29. 2002; 69 FR 11124, Mar. 9, 2004; 69 FR 42351, July 15, 2004]

§§ 660.336-660.337 [Reserved]

§ 660.338 Limited entry permits-small fleet.

- (a) Small limited entry fisheries fleets that are controlled by a local government, are in existence as of July 11, 1991, and have negligible impacts on the groundfish resource, may be certified as consistent with the goals and objectives of the limited entry program and incorporated into the limited entry fishery. Permits issued under this subsection will be issued in accordance with the standards and procedures set out in the PCGFMP and will carry the rights explained therein.
- (b) A permit issued under this section may be registered only to another ves-

sel that will continue to operate in the same certified small fleet, provided that the total number of vessels in the fleet does not increase. A vessel may not use a small fleet limited entry permit for participation in the limited entry fishery outside of authorized activities of the small fleet for which that permit and vessel have been designated.

[66 FR 40922, Aug. 6, 2001]

§ 660.339 Limited entry permit fees.

The Regional Administrator will charge fees to cover administrative expenses related to issuance of limited entry permits, including initial issuance, renewal, transfer, vessel registration, replacement, and appeals. The appropriate fee must accompany each application.

§ 660.340 Limited entry permit appeals.

- (a) Decisions on appeals of initial decisions regarding issuance, renewal, change in vessel registration, change in permit owner or permit holder, and endorsement upgrade, will be made by the Regional Administrator.
- (b) Appeals decisions shall be in writing and shall state the reasons therefor.
- (c) Within 30 days of an initial decision by the SFD denying issuance, renewal, change in vessel registration, change in permit owner or permit holder, or endorsement upgrade, on the terms requested by the applicant, an appeal may be filed with the Regional Administrator.
- (d) The appeal must be in writing, and must allege facts or circumstances to show why the criteria in this subpart have been met, or why an exception should be granted.
- (e) At the appellant's discretion, the appeal may be accompanied by a request that the Regional Administrator seek a recommendation from the Council as to whether the appeal should be granted. Such a request must contain the appellant's acknowledgment that the confidentiality provisions of the Magnuson-Stevens Act at 16 U.S.C. 1853 (d) and part 600 of this chapter are waived with respect to any information supplied by Regional Administrator to the Council and its advisory bodies for

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purposes of receiving the Council's recommendation on the appeal. In responding to a request for a recommendation on appeal, the Council will apply the provisions of the PCGFMP in making its recommendation as to whether the appeal should be granted.

(f) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 45 days of receipt of the appeal, or, if a recommendation from the Council is requested, within 45 days of receiving the Council's recommendation. The Regional Administrator's decision is the final administrative decision of the Department as of the date of the decision.

[66 FR 40922, Aug. 6, 2001]

§ 660.341 Limited entry permit sanctions.

Limited entry permits issued or applied for under this subpart are subject to sanctions pursuant to the Magnuson Act at 16 U.S.C. 1858(g) and 15 CFR part 904, subpart D.

§ 660.350 Compensation with fish for collecting resource information—exempted fishing permits off Washington, Oregon, and California.

In addition to the reasons stated in §600.745(b)(1) of this chapter, an EFP may be issued under this subpart G for the purpose of compensating the owner or operator of a vessel for collecting resource information according to a protocol approved by NMFS. NMFS may issue an EFP allowing a vessel to retain fish as compensation in excess of trip limits or to be exempt from other specified management measures for the Pacific coast groundfish fishery.

(a) Compensation EFP for vessels under contract with NMFS to conduct a resource survey. NMFS may issue an EFP to the owner or operator of a vessel that conducted a resource survey according to a contract with NMFS. A vessel's total compensation from all sources (in terms of dollars or amount of fish, including fish from survey samples or compensation fish) will be determined through normal Federal procurement procedures. The compensation EFP will specify the maximum amount or value of fish the vessel may take and

retain after the resource survey is completed.

- (1) Competitive offers. NMFS may initiate a competitive solicitation (request for proposals or RFP) to select vessels to conduct resource surveys that use fish as full or partial compensation, following normal Federal procurement procedures.
- (2) Consultation and approval. At a Council meeting, NMFS will consult with the Council and receive public comment on upcoming resource surveys to be conducted if groundfish could be used as whole or partial compensation. Generally, compensation fish would be similar to surveyed species, but there may be reasons to provide payment with healthier, more abundant, less restricted stocks, or more easily targeted species. For example, NMFS may decline to pay a vessel with species that are, or are expected to be, overfished, or that are subject to overfishing, or that are unavoidably caught with species that are overfished or subject to overfishing. NMFS may also consider levels of discards, bycatch, and other factors. If the Council does not approve providing whole or partial compensation for the conduct of a survey, NMFS will not use fish, other than fish taken during the scientific research, as compensation for that survey. For each proposal, NMFS will present:
- (i) The maximum number of vessels expected or needed to conduct the survey,
- (ii) An estimate of the species and amount of fish likely to be needed as compensation,
- (iii) When the survey and compensation fish would be taken, and
- (iv) The year in which the compensation fish would be deducted from the ABC before determining the optimum yield (harvest guideline or quota).
- (3) Issuance of the compensation EFP. Upon successful completion of the survey, NMFS will issue a "compensation EFP" to the vessel if it has not been fully compensated. The procedures in \$600.745(b)(1) through (b)(4) of this chapter do not apply to a compensation EFP issued under this subpart for the Pacific coast groundfish fishery (50 CFR part 660, subpart G).

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the framework standards and procedures in the PCGFMP and other applicable law, and will be published in the FEDERAL REGISTER.

- (e) Prohibited species. Groundfish species or species groups under the PCGFMP for which quotas have been achieved and/or the fishery closed are prohibited species. In addition, the following are prohibited species:
 - (1) Any species of salmonid.
 - (2) Pacific halibut.
- (3) Dungeness crab caught seaward of Washington or Oregon.
- (f) Applicability. Groundfish species harvested in the territorial sea (0-3 nm) will be counted toward the catch limitations in §§660.370-660.373.

[69 FR 42351, July 15, 2004]

§ 660.371 Black rockfish fishery management.

The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09′30″ N. lat.), and between Destruction Island (47°40′ N. lat.), is 100 lbs (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.

[69 FR 42352, July 15, 2004]

§ 660.372 Fixed gear sablefish fishery management.

This section applies to the primary season for the fixed gear limited entry sablefish fishery north of 36° N. lat., except for paragraph (c), of this section, which also applies to the open access fishery north of 36° N. lat. Limited entry and open access fixed gear sablefish fishing south of 36° N. lat. is governed by routine management measures imposed under §660.370 (c).

(a) Sablefish endorsement. A vessel may not participate in the primary season for the fixed gear limited entry fishery, unless at least one limited entry permit with both a gear endorsement for longline or trap (or pot) gear and a sablefish endorsement is registered for use with that vessel. Permits with sablefish endorsements are assigned to one of three tiers, as described at §660.334(d).

- (b) Primary season limited entry, fixed gear sablefish fishery—(1) Season dates. North of 36° N. lat., the primary sablefish season for limited entry, fixed gear vessels begins at 12 noon l.t. on April 1 and ends at 12 noon l.t. on October 31, unless otherwise announced by the Regional Administrator.
- (2) Gear type. During the primary season and when fishing against primary season cumulative limits, each vessel authorized to participate in that season under paragraph (a) of this section may fish for sablefish with any of the gear types, except trawl gear, endorsed on at least one of the permits registered for use with that vessel.
- (3) Cumulative limits. (i) A vessel participating in the primary season will be constrained by the sablefish cumulative limit associated with each of the permits registered for use with that vessel. The Regional Administrator will biennially or annually calculate the size of the cumulative trip limit for each of the three tiers associated with the sablefish endorsement such that the ratio of limits between the tiers is approximately 1:1.75:3.85 for Tier 3:Tier 2:Tier 1, respectively. The size of the cumulative trip limits will vary depending on the amount of sablefish available for the primary fishery and on estimated discard mortality rates within the fishery. The size of the cumulative trip limits for the three tiers in the primary fishery will be announced in the FEDERAL REGISTER.
- (ii) During the primary season, each vessel authorized to participate in that season under paragraph (a) of this section may take, retain, possess, and land sablefish, up to the cumulative limits for each of the permits registered for use with that vessel. If multiple limited entry permits with sablefish endorsements are registered for use with a single vessel, that vessel may land up to the total of all cumulative limits announced in the FED-ERAL REGISTER for the tiers for those permits, except as limited by paragraph (b)(3)(iii) of this section. Up to 3 permits may be registered for use with a single vessel during the primary season; thus, a single vessel may not take and retain, possess or land more than 3 primary season sablefish cumulative

limits in any one year. A vessel registered for use with multiple limited entry permits is subject to per vessel limits for species other than sablefish, and to per vessel limits when participating in the daily trip limit fishery for sablefish under paragraph (c) of this section.

(iii) If a permit is registered to more than one vessel during the primary season in a single year, the second vessel may only take the portion of the cumulative limit for that permit that has not been harvested by the first vessel to which the permit was registered to which the permit was registered to that permit may not exceed the cumulative limit for the tier associated with that permit.

(iv) A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips.

(c) Limited entry and open access daily trip limit fisheries. (1) Before the start of the primary season, all sablefish landings made by a vessel authorized under paragraph (a) of this section to participate in the primary season will be subject to the restrictions and limits of the limited entry daily trip limit fishery for sablefish, which is governed by routine management measures imposed under §660.370(c).

(2) Following the start of the primary season, all landings made by a vessel authorized under paragraph (a) of this section to participate in the primary season will count against the primary season cumulative limit(s) associated with the permit(s) registered for use with that vessel. Once a vessel has reached its total cumulative allowable sablefish landings for the primary season under paragraph (b)(3) of this section, any subsequent sablefish landings by that vessel will be subject to the restrictions and limits of the limited entry daily trip limit fishery for sablefish for the remainder of the calendar vear

(3) Vessels registered for use with a limited entry, fixed gear permit that does not have a sablefish endorsement may participate in the limited entry, daily trip limit fishery for as long as

that fishery is open during the year, subject to routine management measures imposed under §660.370.

(4) Open access vessels may participate in the open access, daily trip limit fishery for as long as that fishery is open during the year, subject to the routine management measures imposed under $\S 660.370(c)$.

(d) *Trip limits*. Trip and/or frequency limits may be imposed in the limited entry fishery on vessels that are not participating in the primary season under \$660.370(c). Trip and/or size limits to protect juvenile sablefish in the limited entry or open-access fisheries also may be imposed at any time under \$660.370(c). Trip limits may be imposed in the open-access fishery at any time under \$660.370(c).

[69 FR 42352, July 15, 2004]

§ 660.373 Pacific whiting (whiting) fishery management.

(a) Sectors. The catcher/processor sector is composed of catcher/processors, which are vessels that harvest and process whiting during a calendar year. The mothership sector is composed of motherships and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting during a calendar year. The shoreside sector is composed of vessels that harvest whiting for delivery to shorebased processors.

(b) Seasons. The primary seasons for the whiting fishery are: For the shorebased sector, the period(s) when the large-scale target fishery is conducted (when trip limits under paragraph (b) of this section are not in effect); for catcher/processors, the period(s) when at-sea processing is allowed and the fishery is open for the catcher/processor sector; and for vessels delivering to motherships, the period(s) when atsea processing is allowed and the fishery is open for the mothership sector. Before and after the primary seasons, trip landing or frequency limits may be imposed under §660.370(c). The sectors are defined at §660.370(a).

(1) North of 40°30′ N. lat. Different starting dates may be established for the catcher/processor sector, the mothership sector, catcher vessels delivering to shoreside processors north

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-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 38 - FISHERY CONSERVATION AND MANAGEMENT
SUBCHAPTER IV - NATIONAL FISHERY MANAGEMENT PROGRAM
-HEAD-

Sec. 1853. Contents of fishery management plans

-STATUTE-

(a) Required provisions

Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall -

- (1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are -
- (A) necessary and appropriate for the conservation and management of the fishery, to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;
- (B) described in this subsection or subsection (b) of this section, or both; and
- (C) consistent with the national standards, the other provisions of this chapter, regulations implementing

recommendations by international organizations in which the

United States participates (including but not limited to closed
areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not
limited to, the number of vessels involved, the type and quantity
of fishing gear used, the species of fish involved and their
location, the cost likely to be incurred in management, actual
and potential revenues from the fishery, any recreational
interests in the fishery, and the nature and extent of foreign
fishing and Indian treaty fishing rights, if any;

- (3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;
 - (4) assess and specify -
- (A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),
- (B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish

processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

- (5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors,(!1)
- (6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;
- (7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary

under section 1855(b)(1)(A) of this title, minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

- (8) in the case of a fishery management plan that, after

 January 1, 1991, is submitted to the Secretary for review under section 1854(a) of this title (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;
- (9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on -
- (A) participants in the fisheries and fishing communities affected by the plan or amendment; and
- (B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;(10) specify objective and measurable criteria for identifying

when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

- (11) establish a standardized reporting methodology to assess
 the amount and type of bycatch occurring in the fishery, and
 include conservation and management measures that, to the extent
 practicable and in the following priority -
 - (A) minimize bycatch; and
- (B) minimize the mortality of bycatch which cannot be avoided;
- (12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;
 - (13) include a description of the commercial, recreational, and

charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

- (14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.
- (b) Discretionary provisions

Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may -

- (1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to -
 - (A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone or for anadromous species or Continental Shelf fishery resources beyond such zone;
 - (B) the operator of any such vessel; or
 - (C) any United States fish processor who first receives fish that are subject to the plan;
 - (2) designate zones where, and periods when, fishing shall be

limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

- (3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the -
- (A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);
- (B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and
- (C) transshipment or transportation of fish or fish products under permits issued pursuant to section 1824 of this title;
- (4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels,, including devices which may be required to facilitate enforcement of the provisions of this chapter;
- (5) incorporate (consistent with the national standards, the other provisions of this chapter, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

- (6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account -
 - (A) present participation in the fishery,
 - (B) historical fishing practices in, and dependence on, the fishery,
 - (C) the economics of the fishery,
 - (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
 - (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
 - (F) any other relevant considerations;
- (7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;
- (8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the

quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

- (9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;
- (10) include, consistent with the other provisions of this chapter, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;
- (11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and
- (12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.
- (c) Proposed regulations

Proposed regulations which the Council deems necessary or appropriate for the purposes of -

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 1854 of this title; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 1854 of this title.